

RECEIVED

SUM-100

SUMMONS

(CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

California Department of Financial Institutions; Julio Prada, an individual; Robert Venchiarutti, an individual; and Does 1-32

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Donald Lake

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
FILED
CIVIL BUSINESS OFFICE 19
CENTRAL DIVISION

09 NOV 20 PM 1:16

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form. If you want the court to hear your case, there may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. (AVISO) Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, pueda perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

San Diego Superior Court
220 W. Broadway, San Diego, CA 92101

CASE NUMBER:
(Número del Caso):

37-2009-00102804-CU-DE-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Daniel Kodam, Esq. - 41880 Kalmia St., Ste. 130, Murrieta, CA 92562 (951)445-4905

DATE: NOV 20 2009
(Fecha)

Clerk, by T. Lusch
(Secretario)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify):

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)

4. ☐ by personal delivery on (date):

CALIFORNIA DEPARTMENT OF FINANCIAL INSTITUTIONS

other (specify): UNKNOWN ENTITY

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Daniel Kodam, Esq. SBN 190703 KODAM & ASSOCIATES, P.C. 41880 Kalmia Street, Suite 130 Murrieta, CA 92562 TELEPHONE NO.: 951-445-4905 FAX NO.: 951-445-4906 ATTORNEY FOR (Name): Plaintiff		FOR COURT USE ONLY FILED CIVIL BUSINESS OFFICE 19 CENTRAL DIVISION 09 NOV 20 PM 1:16 CLERK - SUPERIOR COURT SAN DIEGO COUNTY, CA	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 220 W. Broadway MAILING ADDRESS: 220 W. Broadway CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central Division		CASE NAME: Donald Lake v. California Department of Financial Institutions, et al.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited <input type="checkbox"/> Limited (Amount) (Amount) demanded demanded is exceeds \$25,000 \$25,000 or less		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
CASE NUMBER: 37-2009-00102604-CU-OE-CTL		JUDGE: DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify):
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: November 20, 2009

Daniel Kodam, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability *(not asbestos or toxic/environmental)* (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice *(not medical or legal)*
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract *(not unlawful detainer or wrongful eviction)*
Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage *(not provisionally complex)* (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review

Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment *(non-domestic relations)*
Sister State Judgment
Administrative Agency Award *(not unpaid taxes)*
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint *(not specified above)* (42)
Declaratory Relief Only
Injunctive Relief Only *(non-harassment)*
Mechanics Lien
Other Commercial Complaint Case *(non-tort/non-complex)*
Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition *(not specified above)* (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
STREET ADDRESS: 330 West Broadway	
MAILING ADDRESS: 330 West Broadway	
CITY AND ZIP CODE: San Diego, CA 92101	
BRANCH NAME: Central	
TELEPHONE NUMBER: (619) 450-7054	
PLAINTIFF(S) / PETITIONER(S): Donald H. Lake	
DEFENDANT(S) / RESPONDENT(S): California Department of financial Institutions et.al.	
LAKE VS. CALIFORNIA DEPARTMENT OF FINANCIAL INSTITUTIONS	
NOTICE OF CASE ASSIGNMENT	CASE NUMBER: 37-2009-00102604-CU-OE-CTL

Judge: William R. Nevitt, Jr.

Department: C-64

COMPLAINT/PETITION FILED: 11/20/2009

CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CASE NUMBER: 37-2009-00102604-CU-OE-CTL CASE TITLE: Lake vs. California Department of financial Institutions

NOTICE TO LITIGANTS/ADR INFORMATION PACKAGE

You are required to serve a copy of this Notice to Litigants/ADR Information Package and a copy of the blank Stipulation to Alternative Dispute Resolution Process (received from the Civil Business Office at the time of filing) with a copy of the Summons and Complaint on all defendants in accordance with San Diego Superior Court Rule 2.1.5, Division II and CRC Rule 201.9.

ADR POLICY

It is the policy of the San Diego Superior Court to strongly support the use of Alternative Dispute Resolution ("ADR") in all general civil cases. The court has long recognized the value of early case management intervention and the use of alternative dispute resolution options for amenable and eligible cases. The use of ADR will be discussed at all Case Management Conferences. It is the court's expectation that litigants will utilize some form of ADR – i.e. the court's mediation or arbitration programs or other available private ADR options as a mechanism for case settlement before trial.

ADR OPTIONS

1) CIVIL MEDIATION PROGRAM: The San Diego Superior Court Civil Mediation Program is designed to assist parties with the early resolution of their dispute. All general civil independent calendar cases, including construction defect, complex and eminent domain cases are eligible to participate in the program. Limited civil collection cases are not eligible at this time. San Diego Superior Court Local Rule 2.31, Division II addresses this program specifically. Mediation is a non-binding process in which a trained mediator 1) facilitates communication between disputants, and 2) assists parties in reaching a mutually acceptable resolution of all or part of their dispute. In this process, the mediator carefully explores not only the relevant evidence and law, but also the parties' underlying interests, needs and priorities. The mediator is not the decision-maker and will not resolve the dispute – the parties do. Mediation is a flexible, informal and confidential process that is less stressful than a formalized trial. It can also save time and money, allow for greater client participation and allow for more flexibility in creating a resolution.

Assignment to Mediation, Cost and Timelines: Parties may stipulate to mediation at any time up to the CMC or may stipulate to mediation at the CMC. Mediator fees and expenses are split equally by the parties, unless otherwise agreed. Mediators on the court's approved panel have agreed to the court's payment schedule for county-referred mediation: \$150.00 per hour for each of the first two hours and their individual rate per hour thereafter. Parties may select any mediator, however, the court maintains a panel of court-approved mediators who have satisfied panel requirements and who must adhere to ethical standards. All court-approved mediator fees and other policies are listed in the Mediator Directory at each court location to assist parties with selection. **Discovery:** Parties do not need to conduct full discovery in the case before mediation is considered, utilized or referred. **Attendance at Mediation:** Trial counsel, parties and all persons with full authority to settle the case must personally attend the mediation, unless excused by the court for good cause.

2) JUDICIAL ARBITRATION: Judicial Arbitration is a binding or non-binding process where an arbitrator applies the law to the facts of the case and issues an award. The goal of judicial arbitration is to provide parties with an adjudication that is earlier, faster, less formal and less expensive than trial. The arbitrator's award may either become the judgment in the case if all parties accept or if no trial de novo is requested within the required time. Either party may reject the award and request a trial de novo before the assigned judge if the arbitration was non-binding. If a trial de novo is requested, the trial will usually be scheduled within a year of the filing date.

Assignment to Arbitration, Cost and Timelines: Parties may stipulate to binding or non-binding judicial arbitration or the judge may order the matter to arbitration at the case management conference, held approximately 150 days after filing, if a case is valued at under \$50,000 and is "at issue". The court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. In addition, if parties select an arbitrator from the court's panel, the court will pay the arbitrator's fees. Superior Court Local Rules Division II Chapter 3 and Code of Civil Procedure 1141 et seq. address this program specifically.

3) SETTLEMENT CONFERENCES: The goal of a settlement conference is to assist the parties in their efforts to negotiate a settlement of all or part of the dispute. Parties may, at any time, request a settlement conference before the judge assigned to their case; request another assigned judge or a pro tem to act as settlement officer; or may privately utilize the services of a retired judge. The court may also order a case to a mandatory settlement conference prior to trial before the court's assigned Settlement Conference judge.

4) OTHER VOLUNTARY ADR: Parties may voluntarily stipulate to private ADR options outside the court system including private binding arbitration, private early neutral evaluation or private judging at any time by completing the "Stipulation to Alternative Dispute Resolution Process" which is included in this ADR package. Parties may also utilize mediation services offered by programs that are partially funded by the county's Dispute Resolution Programs Act. These services are available at no cost or on a sliding scale based on need. For a list of approved DRPA providers, please contact the County's DRPA program office at (619) 238-2400.

ADDITIONAL ADR INFORMATION: For more information about the Civil Mediation Program, please contact the Civil Mediation Department at (619) 515-8908. For more information about the Judicial Arbitration Program, please contact the Arbitration Office at (619) 531-3818. For more information about Settlement Conferences, please contact the Independent Calendar department to which your case is assigned. Please note that staff can only discuss ADR options and cannot give legal advice.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827 BRANCH NAME: Central		FOR COURT USE ONLY
PLAINTIFF(S): Donald H. Lake		
DEFENDANT(S): California Department of Financial Institutions et.al.		
SHORT TITLE: LAKE VS. CALIFORNIA DEPARTMENT OF FINANCIAL INSTITUTIONS		
STIPULATION TO ALTERNATIVE DISPUTE RESOLUTION PROCESS (CRC 3.221)		CASE NUMBER: 37-2009-00102604-CU-OE-CTL

Judge: William R. Nevitt, Jr.

Department: C-64

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution process. Selection of any of these options will not delay any case management time-lines.

- | | |
|---|---|
| <input type="checkbox"/> Court-Referred Mediation Program | <input type="checkbox"/> Court-Ordered Nonbinding Arbitration |
| <input type="checkbox"/> Private Neutral Evaluation | <input type="checkbox"/> Court-Ordered Binding Arbitration (Stipulated) |
| <input type="checkbox"/> Private Mini-Trial | <input type="checkbox"/> Private Reference to General Referee |
| <input type="checkbox"/> Private Summary Jury Trial | <input type="checkbox"/> Private Reference to Judge |
| <input type="checkbox"/> Private Settlement Conference with Private Neutral | <input type="checkbox"/> Private Binding Arbitration |
| <input type="checkbox"/> Other (specify): _____ | |

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) _____

Alternate: (mediation & arbitration only) _____

Date: _____

Date: _____

Name of Plaintiff

Name of Defendant

Signature

Signature

Name of Plaintiff's Attorney

Name of Defendant's Attorney

Signature

Signature

(Attach another sheet if additional names are necessary). It is the duty of the parties to notify the court of any settlement pursuant to California Rules of Court, 3.1385. Upon notification of the settlement the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court and all un-served, non-appearing or actions by names parties are dismissed.

IT IS SO ORDERED.

Dated: 11/20/2009

JUDGE OF THE SUPERIOR COURT

1 Daniel Kodam, Esq. (SBN 190703)
2 KODAM & ASSOCIATES, PC
3 41880 Kalmia Street, Suite 130
4 Murrieta, CA 92562
5 Phone: 951-445-4905
6 Facsimile: 951-445-4906

7 Attorney for Plaintiff

FILED
CIVIL BUSINESS OFFICE 19
CENTRAL DIVISION

09 NOV 20 PM 1:16

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
9 CENTRAL JUDICIAL DISTRICT

10 Donald Lake,

11 Plaintiff,

12 v.

13 California Department of Financial Institutions;

14 Julio Prada, an individual; Robert Venchiarutti,

15 an individual; and Does 1 - 32,

16 Defendants.

Case No.: 37-2009-00102604-CU-OE-CTL

COMPLAINT
CAUSES OF ACTIONS:

1. HOSTILE WORK ENVIRONMENT;
2. DISCRIMINATION IN EMPLOYMENT - DFEH (AGE);
3. DISCRIMINATION IN EMPLOYMENT - DFEH (RACE);
4. DISCRIMINATION IN EMPLOYMENT - EEOC (AGE);
5. DISCRIMINATION IN EMPLOYMENT -- EEOC (RACE);
6. TITLE VII HOSTILE WORK ENVIRONMENT;
7. UNLAWFUL RETALIATION;

17 COMES NOW THE Plaintiffs and allege the following causes of action.

18 General Allegations

19 1. Upon information and belief and at all times material to this complaint,
20 Defendant, California Department of Financial Institutions, (hereinafter "Defendant Employer")
21 is a California Department and division of the state with offices throughout the State.

22 2. At all times set forth below, Defendant was the employer of Plaintiff and both
23 Robert Venchiarutti (hereinafter "Venchiarutti") and Julio Prada (hereinafter "Prada") was an
24 employee of the California Department of Financial Institutions and supervisor of Plaintiff.
25
26
27
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1 Upon information and belief, all conduct and actions alleged herein occurred within the
2 jurisdiction of the Central District of the Superior Court of San Diego.

3 3. Defendants are subject to suit under the California Fair Employment and Housing
4 Act, Government Code § 12900, et seq. ("FEHA") and Title VII (Civil Rights Act). Plaintiff has
5 filed complaints against Defendants with the Department of Fair Employment and Housing
6 ("DFEH") and Equal Employment Opportunity Commission ("EEOC"). (Attached hereto as
7 Exhibit "A" is the true and correct copy of the Right to Sue letter issued by the DFEH and EEOC
8 regarding these Defendants.)

9 4. Plaintiff is informed and believes, and thereon alleges, that each of the Defendants
10 and Does 1 through 25 herein were, at all times relevant to this action, the agent, employee,
11 representing partner, or joint venture of the remaining Defendants and was acting within the
12 course and scope of that relationship. Plaintiff is further informed and believes, and thereon
13 allege, that each of the Defendants herein gave consent to, ratified, and authorized the acts
14 alleged herein to each of the remaining Defendants.

15 5. Whenever reference is made below to "Defendants, and each of them," such
16 allegation shall be deemed to mean the acts of the Defendants acting individually, jointly and
17 severally. Plaintiff alleges as follows:

18 Statement of Facts

19 1. Plaintiff, Donald Lake, (hereinafter "Lake"), has been employed as a Senior
20 Examiner for the California Department of Financial Institutions for approximately 27 years.

21 2. Plaintiff is 54 years old and Caucasian.

22 3. During the duration of his employment, Plaintiff has remained an exemplary and
23 dedicated employee.

24 4. Defendant Julio Prada is of Hispanic descent.

25 5. Defendant Prada supervised Plaintiff from early January 2004 through late 2009.

26 6. On or about early 2005 to present, Plaintiff began to experience discriminatory
27 behavior, hostile work environment, harassment, and retaliation from Defendants as a direct
28 result of his race, age, and filing of his discrimination complaints in 2005 and 2007.

1 7. During 2004, Plaintiff witnessed various forms of severe harassment and
2 discrimination against at least two other Caucasians. Plaintiff is also aware of one current non-
3 Hispanic employee, who was also subjected to severe discriminatory and harassment from Prada.

4 8. On or about May 6, 2005, Plaintiff, along with two other employees, submitted a
5 written complaint to Defendant's Supervisor, Defendant Venchiarutti, outlining concerns of
6 Defendant Prada's behavior and his illegal treatment of employees. (Exhibit B.)

7 9. Plaintiff's complaint documented several violations of the Department's Zero
8 Tolerance Workplace Violence Policy (Exhibit C).

9 10. This discriminatory, hostile, and retaliatory conduct has been manifested by
10 numerous items including but not limited to the following:

- 11 a. Constant and excessive emails criticizing Plaintiff's work product although
12 satisfactory while other junior Hispanic and younger employees would get
13 accolades and promotions;
- 14 b. Abusive phone calls and emails demanding Plaintiff's whereabouts which was
15 not required nor done to any Hispanic or younger employees;
- 16 c. Preferential treatment to Hispanic employees. Plaintiff is aware of a Hispanic
17 employee who was afforded favoritism and preferential treatment due to their
18 ethnicity (Hispanic) by Prada in that Ms. Barraza was promoted despite being
19 the junior employee and not having the same qualifications as Plaintiff. Ms.
20 Barraza was not subjected to any of the hostile and unwarranted e-mails
21 whose tone clearly showed a hostile intent. Ms. Barraza also did not receive
22 the abusive phone calls from Ms. Prada.
 - 23 i. Plaintiff was previously Ms. Barraza's mentor on the banking side
24 when she was initially hired in early 2000. Previously, Ms. Barraza
25 was considered a marginal employee prior to transferring to the MTD
26 from the banking division in late 2004.
 - 27 ii. Ms. Barraza was constantly afforded flexible work and telework hours,
28 in addition to being promoted to a Senior Examiner immediately upon

her transfer to the MTD by Mr. Prada. She was then promoted to Financial Institutions Supervisor (FIS) by Mr. Prada and Mr. Venchiarutti in mid-2006, after only 6 years with the DFI.

iii. Plaintiff was discouraged from applying for the FIS position in mid-2006 by Mr. Prada and Mr. Venchiarutti, with the job of work assignments and meeting coordinator being given to Jeanette Barraza prior to the FIS position being announced thereby showing the clear preference for Ms. Barraza, a Hispanic. She functioned as the acting-FIS with the retirement of FIS Robert Mbama for several months, before she was given the promotion.

d. Denial of at least five CTO requests by Prada on or about late 2007, which had no basis for denial. Plaintiff was ultimately afforded the CTO request by the Personnel Office, but he was then inappropriately given an unsatisfactory performance by Prada in the areas of supervision and leadership.

i. For instance, on 9/17/07, Plaintiff was repeatedly denied a request for CTO by Julio Prada for a business trip to Canada, after requesting no less than 5 formal requests. Plaintiff had to have DFI's Personnel Office grant Plaintiff the time requested in late 2007, as the information from Julio Prada was erroneous.

e. Routine denial of vacation, sick leave, and telework requests by Plaintiff by Prada on or about the duration of 2007 while such requests were routinely granted to Hispanic and younger employees.

f. Verbal threats against Plaintiff's employment from Venchiarutti to terminate Plaintiff if he filed anymore discrimination/hostile work environment complaints against Prada.

g. Continued micro-management and harassing treatment which is only granted to him as a Caucasian while Hispanics never receive said treatment.

- 1 h. During and 2006 and primarily 2007, Plaintiff was routinely denied numerous
2 requests by Julio Prada for CTO, sick leave and telework and other requests,
3 in addition to refusing to allow Plaintiff to volunteer for annual state-
4 sponsored United Way Campaigns and Annual DFI Conferences. These
5 denials were primarily in the form of verbal responses; however, Plaintiff was
6 also denied training on numerous occasions by Julio Prada in writing, and was
7 not allowed to attend all staff training in mid-2007 in San Francisco or attend
8 a mandatory Leadership Course (LC) Training in 2008 and 2009 which were
9 necessary for promotional opportunities for upcoming Financial Institution
10 Manager (FIM) openings in both San Diego and Sacramento. This LC was
11 specifically requested in Plaintiff's 2008 IDP Performance Report.
- 12 i. Over the past 18-months, Plaintiff has applied for five (5) FIM positions and
13 has not been selected for any of the same to date. However, Plaintiff clearly
14 has considerably more employment and related banking experience, and
15 advanced formal education than any other candidate.

16 11. On or about February 28, 2007, Prada made an inappropriate and harassing joke
17 by stating a false and unwarranted accusation of crack cocaine use on the part of the Plaintiff in
18 front of other DFI employees to undermine Plaintiff due to his race and retaliation for filing
19 complaints.

20 12. Plaintiff had the preferential treatment for Hispanics and the hostile work
21 environment for Caucasians and other non-Hispanics confirmed by DFI employee, Yolanda
22 Torres who stated that she was aware of the differential treatment Plaintiff had endured and she
23 had received. For instance, the disparate treatment included her receiving positive recognition
24 for work that was not done, including receiving a Superior Achievement Award at the 2008 DFI
25 Conference for a job that she was not even on while Plaintiff was the Examiner-in-Charge. At
26 the time, Yolanda had only been employed by the DFI for approximately one year. Plaintiff
27 received no award despite his 28 years of experience and overseeing the project.
28

1 13. As a result of Defendant's harassment, hostile work environment, and
2 discriminatory actions, Plaintiff has suffered severe emotional distress resulting in Plaintiff
3 having to see two therapists for the prior nine (9) months.

4 14. Plaintiff now prays for relief based on the following causes of action.

5 **FIRST CAUSE OF ACTION**

6 **Hostile Work Environment**

7 15. Plaintiff realleges and adopts herein all of the allegations contained in the
8 preceding paragraphs 1 - 14 and the paragraphs below in the following causes of action.

9 16. Defendants by and through its agents and employees, engaged in a pattern and
10 practice of having a hostile work environment for Plaintiff due to his age and race.

11 17. Throughout Plaintiff's employment, he was subjected to the numerous hostile acts
12 as described in the above paragraphs causing him to be belittled, humiliated, and emotionally
13 scarred.

14 18. Plaintiff objected to such conduct but the hostile work environment continued and
15 Defendants failed to adhere to or do anything as a result of Plaintiff's complaints.

16 19. As a result of Defendants conduct, Plaintiff has had to seek therapy, been placed
17 in an assignment that has no chance for promotion, denied promotions, and damaged in an
18 amount that will be proved at trial but which exceeds \$25,000.

19 **SECOND CAUSE OF ACTION**

20 **Discrimination in Employment—DFEH (Age)**

21 **against Defendant Employer**

22 20. Plaintiff alleges and adopts herein all of the allegations contained in the preceding
23 paragraphs 1 - 19 and the paragraphs below in the following causes of action.

24 21. Defendant Employer, by and through its agents and employees, engaged in a
25 pattern and practice of discrimination against Plaintiff due to his age against California Code
26 Section 12900 et seq.

27 22. Plaintiff objected to said discrimination but the conduct continued and Defendants
28 failed to adhere to or do anything as a result of Plaintiff's complaints.

1 23. Defendants proceeded to do similar conduct to many employees along with
2 Plaintiff over the age of 40.

3 24. As a result of Defendants conduct, Plaintiff has had to seek therapy, been placed
4 in an assignment that has no chance for promotion, denied promotions, and damaged in an
5 amount that will be proved at trial but which exceeds \$25,000.

6 **THIRD CAUSE OF ACTION**

7 **Discrimination in Employment – DFEH (Race)**

8 **against Defendant Employer**

9 25. Plaintiff alleges and adopts herein all of the allegations contained in the preceding
10 paragraphs 1 - 24 and the paragraphs below in the following causes of action.

11 26. Defendant Employer, by and through its agents and employees, engaged in a
12 pattern and practice of discrimination against Plaintiff due to his race against California Code
13 Section 12900 et seq.

14 27. Plaintiff objected to said discrimination but the conduct continued and Defendants
15 failed to adhere to or do anything as a result of Plaintiff's complaints.

16 28. As a result of Defendants conduct, Plaintiff has had to seek therapy, been placed
17 in an assignment that has no chance for promotion, denied promotions, and damaged in an
18 amount that will be proved at trial but which exceeds \$25,000.

19 **FOURTH CAUSE OF ACTION**

20 **Discrimination in Employment – EEOC (Age)**

21 **against Defendant Employer**

22 29. Plaintiff realleges and adopts herein all of the allegations contained in the
23 preceding paragraphs 1 - 28 and the paragraphs below in the following causes of action.

24 30. Defendant, by and through its agents and employees, engaged in a pattern and
25 practice of discrimination against Plaintiff due to his age against Title VII of the United States
26 Code and the Age Discrimination Act.

27 31. Plaintiff objected to said discrimination but the conduct continued and Defendants
28 failed to adhere to or do anything as a result of Plaintiff's complaints.

32. Defendants proceeded to do similar conduct to many employees along with Plaintiff over the age of forty, particularly those who were supervised by Prada and Venchiarutti.

33. As a result of Defendants conduct, Plaintiff has had to seek therapy, been placed in an assignment that has no chance for promotion, denied promotions, and damaged in an amount that will be proved at trial but which exceeds \$25,000.

FIFTH CAUSE OF ACTION

Discrimination in Employment – EEOC (Race)

against Defendant Employer

34. Plaintiff realleges and adopts herein all of the allegations contained in the preceding paragraphs 1 - 33 and the paragraphs below in the following causes of action.

35. Defendant, by and through its agents and employees, engaged in a pattern and practice of discrimination against Plaintiff due to his race against Title VII of the United States Code.

36. Plaintiff objected to said discrimination but the conduct continued and Defendants failed to adhere to or do anything as a result of Plaintiff's complaints.

37. Defendants proceeded to do similar conduct to many employees along with Plaintiff who were Caucasian or non-Hispanic, particularly those who were supervised by Prada and Venchiarutti.

38. As a result of Defendants conduct, Plaintiff has had to seek therapy, been placed in an assignment that has no chance for promotion, denied promotions, and damaged in an amount that will be proved at trial but which exceeds \$25,000.

SIXTH CAUSE OF ACTION

Title VII Hostile Work Environment

against All Defendants

39. Plaintiff realleges and adopts herein all of the allegations contained in the preceding paragraphs 1 - 38 and the paragraphs below in the following causes of action.

40. Defendant, by and through its agents and employees, engaged in a pattern and

practice of having a hostile work environment for Plaintiff due to his age in violation of Title VII (42 USC Sections 2000e et seq.) and Age Discrimination Act.

41. Throughout Plaintiff's employment, he was subjected to the numerous hostile Acts described in the above paragraphs causing her to be belittled, humiliated, and emotionally scarred.

42. Plaintiff objected to such conduct but the hostile work environment continued and Defendants failed to adhere to or do anything as a result of Plaintiff's complaints.

43. As a result of Defendants' conduct, Plaintiff has had to seek therapy, been placed in an assignment that has no chance for promotion, denied promotions, and damaged in an amount that will be proved at trial but which exceeds \$25,000.

SEVENTH CAUSE OF ACTION

Unlawful Retaliation

against Defendant Employer

44. Plaintiff realleges and adopts herein all of the allegations contained in the preceding paragraphs 1 - 46 and the paragraphs below in the following causes of action.

45. Defendant, by and through its agents and employees engaged in a pattern and practice of unlawful retaliation against Plaintiff due to his age and race as well as due to the work related injuries Plaintiff continues to suffer, which were never acknowledged and outright ignored by Defendants, and each of them. The Defendants, and each of them, retaliatory acts violates California Government Code Section 12940.

46. At all relevant times, Defendants, and each of them, had actual and constructive knowledge of the retaliatory conduct described herein above.

47. As a result of Defendants, and each of them, retaliations, Plaintiff suffered from severe emotional distress and incurred lost earnings and benefits. Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven at trial.

48. As a further and direct and proximate result of Defendants, and each other them, violating Government Code Section 12900, et. seq., as set forth above, Plaintiff has been compelled to retain the services of counsel in an effort to enforce the terms and conditions of the

1 employment relationship with Defendants, and each of them, and have thereby incurred, and will
2 continue to incur, legal fees and costs, the full nature and extent of which are presently unknown.
3 Plaintiff requests that attorney's fees be awarded pursuant to California Government Code
4 Section 12965.

5 **WHEREFORE**

6 Plaintiff hereby prays for judgment against Defendants, and each of them, as follows:

- 7 1. For compensatory damages, including lost wages, employee benefits,
8 Bonuses, vacation benefits, physical and emotional distress, and other special and general
9 damages according to proof on all causes of action as demanded therein;
10 2. For an award of interest, including pre-judgment interest;
11 3. For an award to Plaintiff of costs of suit incurred herein;
12 4. For an award to Plaintiff of such other and further relief as this Court deems just
13 and proper.

14 **DEMAND FOR JURY TRIAL**

15 Notice is hereby given that Plaintiff demands a trial by jury.

16 Dated this 20th Day of November, 2009.

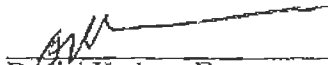
17
18 
19 Daniel Kodam, Esq.
20 Attorney for Plaintiff
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EXHIBIT "A"

EEOC Form 161-B (3/99)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: DONALD H. LAKE
P.O. Box 180699
Coronado, CA 92178

From: Los Angeles District Office
255 E. Temple St. 4th
Los Angeles, CA 90012



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

37A-2009-13061

Sara M. Aguirre,
State & Local Coordinator

(213) 894-1100

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

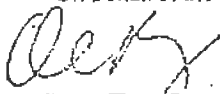


The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Olophius E. Perry,
District Director

September 30, 2009

(Date Mailed)

Enclosures(s)

cc: CA DEPT OF FINANCIAL INSTITUTIONS
7575 Metropolitan Drive #108
San Diego, CA 92108

Enclosure with EEOC
Form 181-B (3/98)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was *mailed* to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit before 7/1/02 -- not 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1350 Front Street, Suite 1063 San Diego, CA 92101

(619) 645-2681 TTY (800) 700-2320 Fax (619) 645-2683

www.dfeh.ca.gov



June 26, 2009

DONALD H. LAKE

P.O. Box 180699

Coronado, CA 92178-0699

RE: E200809D0228-00-are/37AA913061

LAKE/CA DEPT OF FINANCIAL INSTITUTIONS

Dear DONALD H. LAKE:

NOTICE OF CASE CLOSURE

The consultant assigned to handle the above-referenced discrimination complaint that was filed with the Department of Fair Employment and Housing (DFEH) has recommended that the case be closed on the basis of: Complainant Elected Court Action.

Please be advised that this recommendation has been accepted and the case has been closed effective June 26, 2009.

This letter is also your Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. This is also applicable to DFEH complaints that are filed under, and allege a violation of Government Code section 12948 which incorporates Civil Code sections 51, 51.7, and 54. The civil action must be filed within one year from the date of this letter. However, if your civil complaint alleges a violation of Civil Code section 51, 51.7, or 54, you should consult an attorney about the applicable statutes of limitation. If a settlement agreement has been signed resolving the complaint, it is likely that your right to file a private lawsuit may have been waived.

Notice of Case Closure
Page Two

This case may be referred to the U.S. Equal Employment Opportunity Commission (EEOC) for further review. If so, pursuant to Government Code section 12965, subdivision (d)(1), your right to sue will be tolled during the pendency of EEOC's review of your complaint.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in black ink, reading "Ignacio R. Vazquez". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Ignacio R. Vazquez
District Administrator

cc: Case File

Veronica Rodriguez
EEO Officer
CA DEPT OF FINANCIAL INSTITUTIONS
1810 13th Street
Sacramento, CA 95814

DFEH-200-08e (05/06)
DREDDL

EXHIBIT "B"

MEMORANDUM

May 6, 2005

To: Robert Venchiarutti

From: Donald H. Lake, Jr.
Patrick Lum
Rosalyn Tomaszewski

Subject: TMA Management/Julio Prada

Dear Bob:

We just wanted to give you a confidential update on the unfortunate and deteriorating work environment at Special Licensees (SPL). Hopefully, it can provide a brief insight in the daily work of Senior Examiners in the field. Our goal is to improve the morale and working conditions at SPL, have all employees treated with respect and dignity, and attempt to meet the considerable challenges by management with expected professionalism and outstanding performance at the examiner level.

At this time, all three Senior Financial Institution Examiners (Donald Lake, Patrick Lum and Rosalyn Tomaszewski) are experiencing considerate amounts of workplace stress brought on by FIM Julio Prada. He has apparently been under significant stress as of late which has resulted in a corresponding amount of excessive demands and expectations at the senior examination level.

Delineated below are some of the recent complaints noted by senior examiners at the SPL level towards Mr. Prada:


1. Micromanagement of all processes of an examination resulting in lost time at the licensee place of business and disruption of the examination process
2. Constant and excessive e-mails, voicemails and phone calls concerning examinations, immediately preceding the exit review with management and then months later concerning the very same subject
3. Constant dissatisfaction with virtually every aspect of completed examinations and admonishment of the EIC with the final examination report
4. Numerous verbal complaints from licensees concerning the apparent behavior and mismanagement of SPL by Mr. Prada, including the inability to process application and branch requests in a timely manner
5. Examination schedules that are unrealistic, excessive and resulting in final work products that are highly criticized by Mr. Prada as generally unsatisfactory
6. Loss of the 9/8/80 work week when examiners are traveling in or out of California. Mr. Prada has insisted that SPL examiners are not eligible for this DFI work option noting that when anyone is on a travel status they are ineligible for that benefit (receiving every other Friday off/RDO)

7. Comments from both junior examiners and SPL office staff that Julio's recent behavior is abrasive, demeaning and irrational during office hours. He utilizes telework throughout the week at his option and discourages others from doing the same.
8. At least one new examiner is considering leaving DFI and another Senior Examiner has an application pending with another department due to the above referenced issues.
9. Each of the above Senior Examiners is very concerned that some form of discrimination may be taking place at SPL (i.e. age, race and/or gender) either intentionally or unintentionally by Mr. Prada towards each of the complainants, and possibly at least one terminated former employee.
10. Examinations are no longer viewed as an enjoyable experience by an EIC, and to the contrary, this is perceived with significant concern and stress by examiners who are chosen for an upcoming examination.

The collective goal of all of the above referenced Senior Examiners is that some form of immediate intervention takes place by senior management, precluding the continual unfortunate issues referenced above. We also ask that an informal meeting take place between all of the above examiners and you and Julio collectively concerning this matter, and that you attempt to insure that no retaliation is taken against us by Julio Prada for disclosing the comments referenced in this memorandum.

Thank you very much, Bob, for your continued efforts to make SPL a positive and productive work environment for all staff.

EXHIBIT "C"

 DEPARTMENT OF FINANCIAL INSTITUTIONS	Policy Number 1395
Subject: Workplace Violence Prevention and	Effective Date: 6/29/07 Date Revised: _____ Expiration Date: Until Superseded Approved By:
Prepared By: ORIGINAL SIGNED BY Robbin Kleinsorge Human Resources Manager	ORIGINAL SIGNED BY Michael Kelley, Commissioner Office of the Commissioner Date: 6/27/2007

1.0 Purpose

This policy establishes the Department of Financial Institutions (DFI) Workplace Violence Prevention and Zero Tolerance (WVP-ZT) policy. The Department intends to conduct business in a manner that seeks to protect employees from harm at its workplace while actively employed and conducting state/DFI business. This policy provides for an immediate management response to threats or acts of violence by/toward DFI employees in the workplace. This policy is intended to help ensure that threats or acts of intimidation, harassment or violence will not be tolerated in the workplace.

The DFI will not tolerate threats or acts of violence by DFI employees while on State property or while performing State business at other locations. Employees who commit such acts may be removed immediately from the work site and will be subject to disciplinary action, including dismissal, and may be subject to criminal penalties. The DFI shall use reasonable measures to make the workplace safe from violence and to protect employees and members of the public. A state workplace shall be anywhere a state employee is conducting authorized state business, or en route to and from (excluding normal commute) a location where state business is, will be, or has been, conducted.

To confirm understanding of this policy, all employees must sign and return the DFI 135A - ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING OF THE DFI WORKPLACE VIOLENCE PREVENTION & ZERO TOLERANCE POLICY (Attachment A)

2.0 Scope

This policy applies to all employees of the State of California, Department of Financial Institutions and members of the public. For purposes of this WVP-ZT policy, the Department-approved telework environment is a state workplace whenever the employee is engaged in a work-related activity at the approved telework site. The WVP-ZT policy focuses on the issue of violence or perceived threats of violence and defines the responsibilities of the affected parties in preventing and responding to violence or threats of violence in the DFI workplace.

3.0 Policy

[REDACTED]

It shall be the policy of the DFI to take appropriate actions to protect, as fully as possible, state employees and members of the public from acts of violence, threats, intimidation and harassment that may occur at the DFI workplace and during the performance of state duties.

The Department shall also take action, including involving state or local law enforcement, in pursuing prosecution through judicial or other appropriate administrative remedies when such incidents occur.

The Department is committed to promoting and maintaining a safe and healthy work environment free from violence, threats of violence, and intimidating behavior. It is the expectation of the Department that employee conduct will reflect dignity and respect of all persons encountered in the work environment. In furtherance of this commitment, the Department has adopted a "zero tolerance" policy toward any act of violence, threat of violence or intimidation against employees and other persons in the workplace. All such conduct is prohibited because of its adverse effect on the health and well-being of the Department's employees. Threats or violence by employees against other employees will not be tolerated. Employees who commit violent acts or make threats will be subject to dismissal or other appropriate disciplinary action and referral for criminal prosecution when warranted. This includes those threats made in jest that could be construed by co-workers as serious.

For the purposes of this policy, an act of violence is the attempt or actual use of force to commit an injury, or damage/destroy property, whether or not an injury or damage is sustained. A threat is a statement (verbal or written) or an action that is intended to intimidate by expressing the intent to harass, hurt, take the life of another, and/or damage state or personal property. A threat of violence includes statements or a course of conduct that places a person in fear for his or her safety. The threat may be oral or written, and include statements, gestures, symbols, or expressions that communicate a direct or indirect threat of harm. Violent conduct includes any assault, battery, or unlawful stalking. It includes violent conduct, even if intended as a joke or "horse play."

A violation of this policy occurs whenever a person suffers physical harm, or construes another individual's conduct or statements as threatening physical harm. The offending person's intent is not determinative or controlling. Whether the offending person intended on acting violently or making a threat of violence is not significant in determining if a violation occurred.

In order to maintain a safe and healthy work environment, employees are not permitted to possess weapons or explosives in the Department's workplace or offsite when conducting business for the Department. In the event there is credible information that an individual is in violation of this law, the California Highway Patrol will be contacted immediately. *Employees will not attempt to retrieve or confiscate weapons.* Prohibited weapons include, but are not limited to: any firearm - loaded or unloaded; any knife with blade length in excess of four inches, the blade of which is fixed or capable of being fixed in an unguarded position by the use of one or two hands; any unauthorized tear gas weapon; any taser gun or stun gun; any instrument that expels a metallic projectile, such as a BB or pellet, through the force of air pressure, CO2 pressure or spring action, or any spot marker gun or paint gun. If necessary, an employee may submit a written request for exemption to the Supervisor/Manager using the DFI 135B - WORKPLACE VIOLENCE PREVENTION - REQUEST FOR EXEMPTION (Attachment B). For example, bringing a kitchen break-room knife exceeding the four (4) inch criterion would require a Safety and Security Officer approved exemption. If the requested exemption is for a weapon that is available only by permit under California law, a copy of the valid permit must be included with the exemption request. It is a violation of this policy to possess any weapon in the workplace without an approved exemption.

1810 13th Street
Sacramento, CA 95811
Phone: 9164452063

**California Department of
Financial Institutions**

Fax

To: Chris Knudsen

From: Veronica Rodriguez

Fax: (619) 645-2581

Date: December 23, 2009

Phone: (619) 645-3060

Pages: 29

Re: Request for Representation

CC:

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

•Comments:

The additional information discussed will be sent under separate cover.

Please let me know if you have any questions.

Thank you

HP Fax Series 900
Plain Paper Fax/Copier

Fax History Report for
DFI Sacramento
(916)445-2253
Dec 23 2009 12:30pm

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Dec 23	12:15pm	Sent	916196452581	14:18	29	OK

Result:

OK - black and white fax

ORIGINAL

EDMUND G. BROWN JR.
Attorney General of California
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Supervising Deputy Attorney General
State Bar No. 155897
110 West A Street, Suite 1100
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-3060
Fax: (619) 645-2581
E-mail: chris.knudsen@doj.ca.gov
*Attorneys for Defendant California
Department of Financial Institutions*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO CENTRAL DIVISION

DONALD LAKE,

Plaintiff,

v.

**CALIFORNIA DEPARTMENT OF
FINANCIAL INSTITUTIONS; JULIO
PRADA, an individual; ROBERT
VENCHERUTTI an individual; and Does
1-32,**

Defendants.

Case No. 37-2009-00102604-CU-OE-CTL

Action Filed: November 20, 2009

**DEFENDANT DFI's FIRST SET OF
SPECIAL INTERROGATORIES TO
PLAINTIFF DONALD LAKE**

Dept: C-64

Judge: The Honorable William R.
Nevitt, Jr.

Trial Date: Not Set

PROPOUNDING PARTY: DEFENDANT, CALIFORNIA DEPARTMENT OF FINANCIAL
INSTITUTIONS ("DFI")

RESPONDING PARTY: PLAINTIFF, DONALD LAKE

SET NUMBER: ONE

Pursuant to section 2030.010 et seq. of the California Code of Civil Procedure, defendant
California Department of Financial Institutions ("DFI") hereby requests plaintiff Donald Lake to
respond to the following interrogatories under oath and within the period prescribed by law.

///

SPECIAL INTERROGATORIES

SPECIAL INTERROGATORY NO. 1:

State all facts which support your contention that you "witnesses various forms of severe harassment and discrimination against at least two other Caucasians."

SPECIAL INTERROGATORY NO. 2:

Identify each person whom you believe has personal knowledge of any of the facts set forth in your response to Special Interrogatory No. 1.

SPECIAL INTERROGATORY NO. 3:

Identify each and every adverse employment action you allege you were subjected to due to age and/or race discrimination.

SPECIAL INTERROGATORY NO. 4:

State all facts which support your contention that defendants subjected you to adverse employment actions because of your age.

SPECIAL INTERROGATORY NO. 5:

Identify each person whom you believe has personal knowledge of any of the facts set forth in your response to Special Interrogatory No. 4.

SPECIAL INTERROGATORY NO. 6:

State all facts which support your contention that defendants subjected you to a hostile work environment due to your age and race.

SPECIAL INTERROGATORY NO. 7:

Identify each person whom you believe has personal knowledge of any of the facts set forth in your response to Special Interrogatory No. 6.

SPECIAL INTERROGATORY NO. 8:

Identify each document which supports your response to Special Interrogatory No. 6.

SPECIAL INTERROGATORY NO. 9:

State all facts which support your contention that defendants subjected you to adverse employment actions because of your race.

///

SPECIAL INTERROGATORY NO. 10:

Identify each person whom you believe has personal knowledge of any of the facts set forth in your response to Special Interrogatory No. 9.

SPECIAL INTERROGATORY NO. 11:

Identify each document which supports your response to Special Interrogatory No. 9.

SPECIAL INTERROGATORY NO. 12:

Identify and describe fully each and every act you contend you were retaliated against for taking.

SPECIAL INTERROGATORY NO. 13:

State all facts which support and/or upon which you base your contention that defendants, or any of them, retaliated against you for taking the actions described in your response to Special Interrogatory No. 12.

SPECIAL INTERROGATORY NO. 14:

Identify each and every adverse employment action you contend you were subjected to after taking the actions, or any of them, described in your response to Special Interrogatory No. 12.

SPECIAL INTERROGATORY NO. 15:

State all facts which support and/or upon which you base your contention that the adverse employment actions identified in response to Special Interrogatory No. 14 were taken in retaliation for your activities identified in Special Interrogatory No. 12.

SPECIAL INTERROGATORY NO. 16:

Identify each person whom you believe has personal knowledge of any of the facts set forth in your response to Special Interrogatory No. 15.

SPECIAL INTERROGATORY NO. 17:

Identify each document which supports your response to Special Interrogatory No. 15.

SPECIAL INTERROGATORY NO. 18:

State all facts which support and/or upon which you base your contention that Hispanic employees received preferential treatment.

1 **SPECIAL INTERROGATORY NO. 19:**

2 Identify each person whom you believe has personal knowledge of any of the facts set forth
3 in your response to Special Interrogatory No. 18.

4 **SPECIAL INTERROGATORY NO. 20:**

5 Identify each document which supports your response to Special Interrogatory No. 18.

6 **SPECIAL INTERROGATORY NO. 21:**

7 Do you contend that you should have been selected for the position of Financial Institution
8 Manager.

9 **SPECIAL INTERROGATORY NO. 22:**

10 If your answer to Special Interrogatory No. 21 is in the affirmative, state all facts which
11 support and/or upon which you base your contention that you should have been selected for the
12 position of Financial Institution Manager.

13 **SPECIAL INTERROGATORY NO. 23:**

14 Identify each person whom you believe has personal knowledge of any of the facts set forth
15 in your response to Special Interrogatory No. 22.

16 **SPECIAL INTERROGATORY NO. 24:**

17 Identify each document which supports your response to Special Interrogatory No. 22.

18 **SPECIAL INTERROGATORY NO. 25:**

19 State all facts which support and/or upon which you base your contention that you have
20 "considerably more employment and related banking experience, and advanced formal education
21 than any other candidate" for the position of Financial Institution Manager.

22 **SPECIAL INTERROGATORY NO. 26:**

23 Identify each person whom you believe has personal knowledge of any of the facts set forth
24 in your response to Special Interrogatory No. 25.

25 **SPECIAL INTERROGATORY NO. 27:**

26 Identify each document which supports your response to Special Interrogatory No. 25.

27 ///

28 ///

1 **SPECIAL INTERROGATORY NO. 28:**

2 State all facts which support and/or upon which you base your contention that you have
3 "been placed in an assignment that has no chance for promotion."

4 **SPECIAL INTERROGATORY NO. 29:**

5 Identify each person whom you believe has personal knowledge of any of the facts set forth
6 in your response to Special Interrogatory No. 28.


7 **SPECIAL INTERROGATORY NO. 30:**

8 Identify each document which supports your response to Special Interrogatory No. 28.

9 Dated: December 30, 2009

Respectfully Submitted,

10 EDMUND G. BROWN JR.
11 Attorney General of California
12 CHRIS A. KNUDSEN
Supervising Deputy Attorney General

13
14 
15 CHRIS A. KNUDSEN
16 Supervising Deputy Attorney General
Attorneys for Defendant California
Department of Financial Institutions

17 CAK:fpt
18 SD2009703504
19 70242975.doc
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Lake, Donald v. California Department of Financial Institutions et al.**

Case No.: **37-2009-00102604-CU-OE-CTL**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On December 31, 2009, I served the attached:

**DEFENDANT DFI's FIRST SET OF SPECIAL INTERROGATORIES TO
PLAINTIFF DONALD LAKE**

By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Daniel Kodam, Esq.
Kodam & Associates, PC
41880 Kalmia Street, Suite 130
Murrieta, CA 92562

Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 31, 2009, at San Diego, California.

F. Terrones
Declarant


Signature

ORIGINAL

EDMUND G. BROWN JR.
Attorney General of California
CHRIS A. KNUDSEN
Supervising Deputy Attorney General
State Bar No. 155897
110 West A Street, Suite 1100
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E-mail: chris.knudsen@doj.ca.gov
*Attorneys for Defendant California
Department of Financial Institutions*

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO CENTRAL DIVISION

DONALD LAKE,

Plaintiff,

v.

**CALIFORNIA DEPARTMENT OF
FINANCIAL INSTITUTIONS; JULIO
PRADA, an individual; ROBERT
VENCHIARUTTI an individual; and Does
1-32,,**

Defendants.

Case No. 37-2009-00102604-CU-OE-CTL

Action Filed: November 20, 2009

**DEFENDANT DFI's FIRST DEMAND
FOR INSPECTION AND PRODUCTION
OF DOCUMENTS TO PLAINTIFF
DONALD LAKE**

Dept: C-64
Judge: The Honorable William R.
Nevitt, Jr.

Trial Date: Not Set

PROPOUNDING PARTY: DEFENDANT, CALIFORNIA DEPARTMENT OF FINANCIAL
INSTITUTIONS ("DFI")

RESPONDING PARTY: PLAINTIFF, DONALD LAKE

SET NUMBER: ONE

Pursuant to section 2031.010 et seq. of the California Code of Civil Procedure, defendant
California Department of Financial Institutions ("DFI") hereby requests that plaintiff Donald
Lake serve written responses within thirty (30) days after service of this First Demand for
Inspection and Production of Documents, and produce for inspection and copying at the Office of

1 the Attorney General, 110 West "A" Street, Suite 1600, San Diego, CA 92101, on February 19,
2 2010, all documents responsive to the following requests.

3 INSTRUCTIONS

4 In responding to each part of this document demand, the following instructions shall apply:

5 1. If this demand, read literally, requires the production of a part or portion of a
6 document, production of the entire document is requested.

7 2. The singular includes the plural, and the plural includes the singular.

8 3. Any response to the following requests shall set forth the request in full before each
9 response.

10 4. In the event that any document is withheld on the ground of privilege or the work
11 product doctrine, identify the document by its title, subject matter, date of preparation, the
12 number of pages, the author(s) or preparer(s), persons to whom the document was sent and their
13 respective addresses. In addition, the responding party must identify the specific privilege or
14 doctrine asserted and state the basis for each and every claim of privilege, work product, or other
15 ground of non-disclosure.

16 5. In lieu of producing the original responsive documents at the Office of the Attorney
17 General for inspection and copying, the responding party may make legible copies of all
18 responsive documents at its own cost and mail them to the Attorney General's Office at the
19 address specified above, on or before the production date specified above.

20 6. This document demand shall be deemed continuing so as to require prompt further
21 and supplemental production if the responding party locates or obtains possession, custody, or
22 control of additional responsive documents at any time prior to trial herein.

23 DEFINITIONS

24 In interpreting each part of this document demand, the following definitions shall apply:

25 1. The term "COMMUNICATION" shall refer to every manner or means of disclosure,
26 transfer, or exchange of information, and every such disclosure, transfer, or exchange of
27 information, whether orally or by document, and whether face-to-face, by telephone, mail, e-mail,
28 personal delivery, or otherwise.

2. The term "DOCUMENT" shall mean all written or graphic matter, however produced or reproduced, and each and every thing from which information can be processed or transcribed. It includes, without limitation, all things included in the definition of "writings" as set forth in Section 250 of the California Evidence Code in the actual or constructive possession, custody, care or control of the responding party including, but not limited to, originals or copies of handwriting, typewriting, printing, photocopying, photographing, electronically created or recorded on computer hard drive, disc, CD, or DVD, such as e-mails and voice mail, archival copies of magnetically and optically recorded materials, the actual media (whether magnetic, optical, or any other) used to record or store documents, including backup or archive media, and any other means of recording any form of information or communication. Any DOCUMENT that has been logically deleted but not physically erased is to be produced. Any DOCUMENT with marks such as initials, comments, or notations of any kind is not deemed to be identical to one produced without such marks and is to be produced as a separate DOCUMENT. Where there is any question about whether a tangible item falls within the definition of "DOCUMENT," such tangible item shall be produced.

3. The term "COMPLAINT" shall refer to that certain Complaint filed in the Superior Court of California, County of San Diego entitled *Donald Lake v. California Department of Financial Institutions; Julio Prada, an individual; Robert Venchiarutti, an individual; and Does 1-32*, Case No. 37-2009-00102604-CU-CE-CTL.

4. The term "DEFENDANTS" shall refer collectively to the defendants named in the COMPLAINT, or any of them, or any of their respective agents, employees, or representatives.

5. The term "PRADA" shall refer to Julio Prada and any of his agents or representatives.

6. The term "VENCHIARUTTI" shall refer to Robert Venchiarutti and any of his agents or representatives.

7. The term "DFT" shall refer to the California Department of Financial Institutions and/or any of its facilities, subdivisions, offices, agents, employees, or representatives.

7. The term "LAKE" shall refer to plaintiff Donald Lake and/or any of his agents or representatives.

1 8. The term "YOU" or "YOUR" shall refer to the responding party, LAKE.

2 9. The term "HEALTH CARE PROVIDER" shall refer to any person or entity,
3 including, but not limited to, medical doctors, psychiatrists, psychologists, counselors, therapists,
4 specialists, hospitals, clinics, or medical centers that provide medical, psychological, or
5 psychiatric services of any sort including, but not limited to, treatment, examination, counseling,
6 testing, and test results and includes, but is not limited to, any person referred to in Code of Civil
7 Procedure section 667.7(c)(3).

8 **DOCUMENTS REQUESTED**

9 **REQUEST FOR PRODUCTION NO. 1:**

10 All DOCUMENTS that constitute, evidence, refer, or relate to any government claim YOU
11 filed against DEFENDANTS, or any of them.

12 **REQUEST FOR PRODUCTION NO. 2:**

13 All DOCUMENTS that constitute, evidence, refer, or relate to any claim or grievance YOU
14 filed with or submitted to the State Personnel Board.

15 **REQUEST FOR PRODUCTION NO. 3:**

16 All DOCUMENTS that constitute, evidence, refer, or relate to any claim against
17 DEFENDANTS, or any of them, filed with or submitted to the Equal Employment Opportunity
18 Commission.

19 **REQUEST FOR PRODUCTION NO. 4:**

20 Each and every charge of discrimination you filed with or submitted to the California
21 Department of Fair Employment and Housing.

22 **REQUEST FOR PRODUCTION NO. 5:**

23 All DOCUMENTS that constitute, evidence, refer, or relate to any complaint, claim or
24 grievance YOU filed with or submitted to the DFI.

25 **REQUEST FOR PRODUCTION NO. 6:**

26 All DOCUMENTS that constitute, evidence, refer, or relate to any COMMUNICATION
27 between YOU and DFI relating in any way to YOUR complaints, claims, or grievances filed with
28 or submitted to the DFI.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS that constitute, evidence, refer, or relate to any COMMUNICATION between YOU and the Equal Employment Opportunity Commission relating in any way to YOUR claims against DEFENDANTS, or any of them.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS that constitute, evidence, refer, or relate to any COMMUNICATION between YOU and the Department of Fair Employment and Housing relating in any way to YOUR claims against DEFENDANTS, or any of them.

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS that constitute, evidence, refer, or relate to any COMMUNICATION between YOU and DFI relating in any way to YOUR claims against DEFENDANTS, or any of them.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS which constitute, evidence, refer, or relate to any claims against DEFENDANTS, or any of them, submitted by YOU to any administrative body.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS which constitute, evidence, mention, refer, or relate to any complaint YOU made regarding PRADA.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS which constitute, evidence, mention, refer, or relate to any complaint YOU made regarding VENCHIARUTTI.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS which refer, relate, or tend to support YOUR contention that YOU "witnessed various forms of severe harassment and discrimination against at least two other Caucasians."

///

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REQUEST FOR PRODUCTION NO. 14:

All DOCUMENTS which refer, relate, or tend to support YOUR contention that YOU are aware "of one current non-Hispanic employee, who was also subjected to severe discriminatory and harassment from Prada."

REQUEST FOR PRODUCTION NO. 15:

All DOCUMENTS which constitute, evidence, mention, describe, refer, relate to the written complaint referenced in paragraph 8 of the COMPLAINT.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS which constitute, evidence, describe, mention, describe, refer, or relate to the e-mails criticizing YOUR work product referenced in paragraph 10(a) of the COMPLAINT.

REQUEST FOR PRODUCTION NO. 17:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 10(b) of the COMPLAINT that YOU received abusive phone calls and e-mails demanding YOUR whereabouts which was not required nor done to any Hispanic or younger employees.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 10(c) of the COMPLAINT that Hispanics received preferential treatment, including receiving promotions.

REQUEST FOR PRODUCTION NO. 19:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 10(c)(i) of the COMPLAINT that "Ms. Barraza was considered a marginal employee prior to transferring to the MTD from the banking division in late 2004."

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 10(c)(ii) of the COMPLAINT that "Ms. Barraza was constantly afforded flexible work and telework hours."

///

REQUEST FOR PRODUCTION NO. 21:

If YOU contend that Ms. Barraza's promotions to Senior Examiner and/or Financial Institutions Supervisor were undeserved, all DOCUMENTS which refer, relate, or tend to support that contention.

REQUEST FOR PRODUCTION NO. 21:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 10(c)(iii) of the COMPLAINT that YOU were "discouraged from applying for the FIS position in mid-2006 by Mr. Prada and Mr. Venchiarutti."

REQUEST FOR PRODUCTION NO. 22:

All DOCUMENTS which constitute, evidence, refer, relate, or respond to any CTO request YOU made to PRADA.

REQUEST FOR PRODUCTION NO. 23:

All DOCUMENTS which constitute, evidence, refer, or relate to any COMMUNICATION between YOU and PRADA relating to any CTO request.

REQUEST FOR PRODUCTION NO. 24:

All DOCUMENTS which constitute, evidence, refer, or relate to any COMMUNICATION between YOU and DFI's Personnel Office relating to any CTO request.

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 10(d) of the COMPLAINT that PRADA denied at least five CTO requests with no basis for denial.

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 10(e) of the COMPLAINT that PRADA routinely denied YOUR vacation, sick leave, and telework requests while routinely granting such requests by Hispanic and/or younger employees.

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REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 10(f) of the COMPLAINT that VENCHIARUTTI threatened to terminate YOU if YOU filed any more discrimination or hostile work environment complaints against PRADA.

REQUEST FOR PRODUCTION NO. 28:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 10(g) of the COMPLAINT that YOU were subjected to micro-management and harassing treatment due to being Caucasian while Hispanics were never treated in such a way.

REQUEST FOR PRODUCTION NO. 29:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 10(h) of the COMPLAINT that PRADA denied numerous requests for CTO, sick leave, tele-work and other requests.

REQUEST FOR PRODUCTION NO. 30:

All DOCUMENTS which constitute, evidence, refer, or relate to any request YOU made to PRADA for sick leave.

REQUEST FOR PRODUCTION NO. 31:

All DOCUMENTS which constitute, evidence, refer, or relate to any COMMUNICATION between YOU and PRADA relating to any sick leave request.

REQUEST FOR PRODUCTION NO. 32:

All DOCUMENTS which constitute, evidence, refer, or relate to any request YOU made to PRADA for "telework."

REQUEST FOR PRODUCTION NO. 33:

All DOCUMENTS which constitute, evidence, refer, or relate to any COMMUNICATION between YOU and PRADA relating to any "telework" request.

REQUEST FOR PRODUCTION NO. 34:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 10(h) of the COMPLAINT that YOU were not allowed to volunteer for United Way Campaigns and Annual DFI Conferences.

REQUEST FOR PRODUCTION NO. 35:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 10(h) of the COMPLAINT that YOU were denied training opportunities.

REQUEST FOR PRODUCTION NO. 36:

All DOCUMENTS which constitute, evidence, refer, or relate to any application by YOU for the position of Financial Institutions Manager.

REQUEST FOR PRODUCTION NO. 37:

All DOCUMENTS which refer, relate, or tend to support YOUR contention that YOU should have been selected for the position of Financial Institutions Manager.

REQUEST FOR PRODUCTION NO. 38:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 10(i) of the COMPLAINT that "Plaintiff clearly has considerably more employment and related banking experience, and advanced formal education than any other candidate."

REQUEST FOR PRODUCTION NO. 39:

All DOCUMENTS which refer, relate, or tend to support YOUR contention that "[o]n or about February 28, 2007, Prada made an inappropriate and harassing joke by stating a false and unwarranted accusation of crack cocaine use on the part of plaintiff in front of other DFI employees."

REQUEST FOR PRODUCTION NO. 40:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 12 of the COMPLAINT that Yolanda Torres received positive recognition for work that was not done, including receiving a Superior Achievement Award at a 2008 DFI Conference for a job that she was not even on.

REQUEST FOR PRODUCTION NO. 41:

All DOCUMENTS which refer, relate, or tend to support YOUR contention that DEFENDANTS "engaged in a pattern and practice of having a hostile work environment for Plaintiff due to his age and race."

///

REQUEST FOR PRODUCTION NO. 42:

All DOCUMENTS which constitute, evidence, describe, mention, refer, or relate to any of the "numcrous hostile acts" referenced in paragraph 17 of the COMPLAINT.

REQUEST FOR PRODUCTION NO. 43:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 18 of the COMPLAINT that DEFENDANTS failed to do anything as a result of YOUR complaints.

REQUEST FOR PRODUCTION NO. 44:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 19 of the COMPLAINT that "[a]s a result of Defendants conduct, Plaintiff has had to seek therapy, been placed in an assignment that has no chance for promotion, denied promotions" and otherwise damaged.

REQUEST FOR PRODUCTION NO. 45:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 21 of the COMPLAINT that DEFENDANTS engaged in a pattern and practice of discrimination against YOU due to YOUR age.

REQUEST FOR PRODUCTION NO. 46:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 22 of the COMPLAINT that YOU complained of the alleged age discrimination but DEFENDANTS failed to do anything as a result of YOUR complaints.

REQUEST FOR PRODUCTION NO. 47:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 23 of the COMPLAINT that DEFENDANTS "proceeded to do similar conduct to many employees along with Plaintiff over the age of 40."

REQUEST FOR PRODUCTION NO. 48:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraphs 24 and 33 of the COMPLAINT that [a]s a result of the age discrimination "Plaintiff has had to

///

1 seek therapy, been placed in an assignment that has no chance for promotion, denied promotions”
2 and otherwise damaged.

3 **REQUEST FOR PRODUCTION NO. 49:**

4 All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph
5 26 of the COMPLAINT that DEFENDANTS engaged in a pattern and practice of discrimination
6 against YOU due to YOUR race.

7 **REQUEST FOR PRODUCTION NO. 50:**

8 All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph
9 27 of the COMPLAINT that YOU complained of the alleged race discrimination but
10 DEFENDANTS failed to do anything as a result of YOUR complaints.

11 **REQUEST FOR PRODUCTION NO. 51:**

12 All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph
13 37 of the COMPLAINT that DEFENDANTS “proceeded to do similar conduct to many
14 employees along with Plaintiff who were Caucasian or non-Hispanic, particularly those who were
15 supervised by Prada and Venchiarutti.”

16 **REQUEST FOR PRODUCTION NO. 52:**

17 All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraphs
18 28 and 38 of the COMPLAINT that [a]s a result of the race discrimination “Plaintiff has had to
19 seek therapy, been placed in an assignment that has no chance for promotion, denied promotions”
20 and otherwise damaged.

21 **REQUEST FOR PRODUCTION NO. 53:**

22 All DOCUMENTS which constitute, evidence, discuss, describe, refer, or relate to any
23 complaint YOU made that you believe resulted in retaliation against YOU.

24 **REQUEST FOR PRODUCTION NO. 54:**

25 All DOCUMENTS which refer, relate, or tend to support YOUR contention that
26 DEFENDANTS retaliated against YOU.

27 ///

28 ///

REQUEST FOR PRODUCTION NO. 55:

All DOCUMENTS which constitute, describe, identify, memorialize, refer, or relate to YOUR "work related injuries Plaintiff continues to suffer" referenced in paragraph 45 of the COMPLAINT.

REQUEST FOR PRODUCTION NO. 56:

All DOCUMENTS which refer, relate, or tend to support YOUR contention in paragraph 47 of the COMPLAINT that as a result of the alleged retaliation YOU "suffered from severe emotional distress and incurred lost earnings and benefits."

REQUEST FOR PRODUCTION NO. 57:

All DOCUMENTS which evidence, refer, or relate to any employment YOU have had other than with the DFI from January 1, 2007 through the present.

REQUEST FOR PRODUCTION NO. 58:

All DOCUMENTS which identify, account for, evidence, refer, or relate to any compensation YOU have received for any employment related activities YOU have participated in from January 1, 2006 through the present.

REQUEST FOR PRODUCTION NO. 59:

All DOCUMENTS which identify, account for, memorialize, evidence, refer, or relate to any moneys YOU have received from any source other than the DFI from January 1, 2007 through the present.

REQUEST FOR PRODUCTION NO. 60:

All DOCUMENTS which document, describe, evidence, refer, or relate to any examination, treatment, or care YOU received from any HEALTH CARE PROVIDER from January 1, 2000 through the present.

REQUEST FOR PRODUCTION NO. 61:

All DOCUMENTS which constitute, evidence, refer, or relate to any COMMUNICATION between YOU and any HEALTH CARE PROVIDER from January 1, 2000 through the present.

///

///

1 **REQUEST FOR PRODUCTION NO. 62:**

2 All DOCUMENTS which itemize, evidence, refer, or relate to any expense incurred by
3 YOU for examination, treatment, or care by any HEALTH CARE PROVIDER from January 1,
4 2000 through the present, including, but not limited, to all bills received.

5 **REQUEST FOR PRODUCTION NO. 63:**

6 All DOCUMENTS which evidence, refer, or relate to YOUR medical treatment for any
7 physical symptoms or other manifestations of distress YOU allege was caused in whole or in part
8 by the conduct of DEFENDANTS, or any of them.

9 **REQUEST FOR PRODUCTION NO. 64:**

10 All DOCUMENTS YOU received from any HEALTH CARE PROVIDER which refer or
11 relate to any emotional or medical condition YOU allege was caused in whole or in part by the
12 conduct of DEFENDANTS, or any of them.


13 **REQUEST FOR PRODUCTION NO. 65:**

14 All DOCUMENTS which describe, evidence, refer, or relate to any emotional or medical
15 condition YOU allege was caused in whole or in part by the conduct of DEFENDANTS, or any
16 of them.

17 Dated: December 30, 2009

Respectfully Submitted,

18 EDMUND G. BROWN JR.
19 Attorney General of California
20 CHRIS A. KNUDSEN
Supervising Deputy Attorney General

21 
22 CHRIS A. KNUDSEN
23 Supervising Deputy Attorney General
Attorneys for Defendant California
Department of Financial Institutions

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Lake, Donald v. California Department of Financial Institutions et al.**

Case No.: **37-2009-00102604-CU-OE-CTL**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On December 31, 2009, I served the attached:

**DEFENDANT DFI's FIRST DEMAND FOR INSPECTION AND PRODUCTION
OF DOCUMENTS TO PLAINTIFF DONALD LAKE**

By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Daniel Kodam, Esq.
Kodam & Associates, PC
41880 Kalmia Street, Suite 130
Murrieta, CA 92562

Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 31, 2009, at San Diego, California.

F. Terrones
Declarant


Signature

ORIGINAL

EDMUND G. BROWN JR.
Attorney General of California
CHRIS A. KNUDSEN
Supervising Deputy Attorney General
State Bar No. 155897
110 West A Street, Suite 1100
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-3060
Fax: (619) 645-2581
E-mail: chris.knudsen@doj.ca.gov
*Attorneys for Defendants Department of Financial
Institutions, Julio Prada and Robert Venchiarutti*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

DONALD LAKE,

Plaintiff,

v.

**CALIFORNIA DEPARTMENT OF
FINANCIAL INSTITUTIONS; JULIO
PRADA, an individual; ROBERT
VENCHIARUTTI an individual; and Does
1-32,**

Defendants.

Action Filed: November 20, 2009

Case No. 37-2009-00102604-CU-OE-CTL

**NOTICE OF DEPOSITION OF
PLAINTIFF DONALD LAKE ON ORAL
EXAMINATION AND BY VIDEOTAPE
RECORDING**

Date: March 19, 2010

Time: 10:00 a.m.

Location: 110 West "A" Street, Suite 1100
San Diego, CA 92101

Trial Date: Not Set

TO ALL PARTIES AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 19, 2010 beginning at 10:00 a.m., Defendants Department of Financial Institution, Julio Prada, and Robert Venchiarutti will take the deposition of Plaintiff Donald Lake, a party to this action, upon oral examination before an officer authorized by law to administer oaths. The deposition will take place at the Office of the Attorney General, 110 West A Street, Suite 1100, San Diego, California 92101. The deposition

1 will continue thereafter from day to day or to a mutually agreed upon date until completed. The
2 deposition will be recorded stenographically and by video tape.

3 PLEASE TAKE FURTHER NOTICE that defendants will record the testimony at the
4 above-described deposition by video tape in addition to recording the testimony by the
5 stenographic method. The video tape will be taken in accordance with, and as authorized by
6 Code of Civil Procedure section 2025.220(a)(5) and 2025.340. Defendants reserve the right to
7 use the video recording of the deposition at trial and for any other appropriate purpose.

8 This deposition notice has been served on all parties to this action as set forth in the
9 accompanying proof of service.

10 Dated: January 27, 2010

Respectfully Submitted,

11 EDMUND G. BROWN JR.
12 Attorney General of California

13 

14 CHRIS A. KNUDSEN
15 Supervising Deputy Attorney General
16 *Attorneys for Defendants Department of Financial
Institutions, Julio Prada and Robert Venchiarutti,*

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Lake, Donald v. California Department of Financial Institutions et al.**

Case No.: **37-2009-00102604-CU-OE-CTL**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On January 28, 2010, I served the attached:

**NOTICE OF DEPOSITION OF PLAINTIFF DONALD LAKE ON ORAL
EXAMINATION AND BY VIDEOTAPE RECORDING**

By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:


Daniel Kodam, Esq.
Kodam & Associates, PC
41880 Kalmia Street, Suite 130
Murrieta, CA 92562

Lindsey Hartwell
US Legal Support
1230 Columbia Street, Suite 400
San Diego, CA 92101

Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 28, 2010, at San Diego, California.

F. Terrones
Declarant


Signature

1 Daniel Kodam, Esq. (SBN 190703)
2 KODAM & ASSOCIATES, PC
3 41880 Kalmia Street, Suite 130
4 Murrieta, CA 92562
5 Phone: 951-445-4905
6 Facsimile: 951-445-4906

7 Attorney for Plaintiff

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
9 CENTRAL JUDICIAL DISTRICT

10 Donald Lake,

11 Plaintiff,

12 v.

13 State Personnel Board,

14 Defendant,

15 California Department of Financial Institutions,
16 Julio Prada, an individual; Robert Venchiarutti,
17 and individual; and Does 1 – 32,

18 Real Party in Interest and Defendant.

Case No.: 37-2009-00102604-CU-OE-CTL

PLAINTIFF'S RESPONSES TO
DEFENDANT'S FORM
INTERROGATORIES—EMPLOYMENT,
SET ONE

19 PROPOUNDING PARTY: Defendant, CALIFORNIA DEPT. OF FINANCIAL
20 INSTITUTIONS

21 RESPONDING PARTY: Plaintiff, DONALD LAKE

22 SET NO: One

23 TO DEFENDANT AND THEIR ATTORNEY OF RECORD HEREIN:

24 Pursuant to Code of Civil Procedure Section 2030, Plaintiff hereby responds to
25 Defendant, DEPARTMENT OF FINANCIAL INSTITUTIONS. First Set of Form
26 Interrogatories—Employment as follows:
27
28

1 Please note that this responding party has not completed the discovery in this action and
2 has not fully completed preparation for trial. All of the responses contained herein are based
3 only on the information and documents, which are presently available, and specifically known to
4 this responding party as of the date of these responses, and disclose only those contentions,
5 which presently are apparent to this responding party. It is anticipated that further discovery,
6 investigation, research and analysis could yield additional factual evidence, or change the
7 meaning and theory of the facts and conclusions developed heretofore, all of which may
8 substantially affect contentions set forth herein.
9

10 These interrogatory responses are given without prejudice to responding party's right to
11 produce evidence of subsequently discovered facts learned after the date hereof, or which this
12 responding party may later recall. Responding party accordingly reserves the right to change any
13 and all answers herein as additional facts are ascertained, analyses are made, legal research is
14 completed and contentions are made. Accordingly, responding party shall amend their responses,
15 if necessary, in order to comply with the defendant's discovery request. The responses contained
16 herein are made in good faith effort to supply as much information, which is presently known.
17 These responses should no way prejudice the plaintiff in relation to further discovery,
18 investigation, research or analysis.
19

20 **RESPONSE TO FORM INTERROGATORY NO. 202.1**

21 Yes.

- 22
- 23 a) Promotion denials and job reclassification based on retaliation from filing Discrimination
24 and workplace Violence Complaints against Julio Prada in late 2007.
- 25 b) Age and Race.
- 26 c) Complaint filed on May 6, 2005 to Robert Venchiarutti regarding management concerns,
27 and possible discrimination, Equal Employment Opportunity Issues and complaints from
28

1 other managers. Plaintiff did not receive promotion following, instead, junior examiners
2 under 40 years of age, with less education and job experience, promoted ahead of
3 Plaintiff. Constant and severe criticism by Julio Prada since time of filing initial
4 complaint. Harassment, discrimination and hostile work environment to non-Hispanic
5 employees and preferential treatment of Hispanic employees, specifically Yolanda Torres
6 and Jeanette Barraza. Compensating Time Off ("CTO"), sick leave and telework
7 afforded to Jeanette Barraza liberally by Julio Prada, non Hispanic employees not
8 afforded the same privileges.
9

10 d) Jenny Wong, Susie Hseh, Anne Jordan, Patrick Lum, Shereta Alexander, Bill Schott,
11 Rosalyn Tomaszewski, Rina Zepeda, Steve Herrick. Plaintiff does not have personal
12 contact information in his possession, however, all individuals are employees of the
13 Department of Financial Institutions and should be accessible by Defendant.
14

15 e) Emails, reports, complaints filed.

16 Discovery is continuing and Plaintiff reserves the right to amend his responses.

17 **RESPONSE TO FORM INTERROGATORY NO. 202.2**

18 **Educational Experience:** Undergraduate Business Degree (BS Business Management); CSU-
19 Chico (1977); Golden Gate University, MBA (1984), Graduate School of Banking Degree
20 (2005)
21

22 **Employment Experience:** 28 years DFI employment (1982-present); 24 years as a Senior
23 Financial Institutions Examiner as the Examiner-In-Charge of Banking, Trust and Transmitter of
24 Money Abroad (TMA) examinations. Almost 4 years Bank of America experience (1978-1982);
25 Financial Services Officer/Loan Officer.

26 **Leadership/Community Volunteer Experience:** 8 years military experience (1983-1991) US
27 Army Reserve & Army National Guard; Former Chairman DFI Disability Advisory Committee
28

(1987-2005); Former United Way Chairman DFI (1982-2005); Former United Way Chairman Bank of America Sacramento Office (1978-1982); Former Senior Volunteer; Loaves and Fishes Homeless Program (1996-2006); Current Audit Committee Chairman; Coronado Masonic Lodge (2008-present); Member, Coronado Masonic Lodge/Shriner's Hospital's (2008-2010)

Leadership/Community Volunteer Experience: 8 years military experience (1983-1991) US Army Reserve & Army National Guard; Former Chairman DFI Disability Advisory Committee (1987-2005); Former Chairman DFI United Way (1982-2005); Former Chairman United Way Bank of America Sacramento Office (1978-1982); Former Senior Volunteer Loaves and Fishes Homeless Program (1996-2006); Current Audit Committee Chairman; Coronado Masonic Lodge (2008-present); Member, Coronado Masonic Lodge/Shriner's Hospital's (2008-2010)

RESPONSE TO FORM INTERROGATORY NO. 203.1

Yes.

- a) Julio Prada, Robert Venchiarutti. Plaintiff does not have personal contact information in his possession, however, all individuals are employees of the Department of Financial Institutions and should be accessible by Defendant.
- b) Julio Prada: constant micromanagement; excessive and constant criticism; and denial of requested CTO, sick leave, telework, training, and volunteer activities such as United Way, Annual DFI Conference, Examination Proctor for FIE Applicants. Robert Venchiarutti: verbal threats of termination on two separate occasions if Plaintiff continued to complain about Julio Prada.
- c) Age and Race.
- d) Julio Prada: constant micromanagement; excessive and constant criticism; and denial of requested CTO, sick leave, telework, training, and volunteer activities such as United Way, Annual DFI Conference, Examination Proctor for FIE Applicants. Robert

1 Venchiartutti: verbal threats of termination on two separate occasions if Plaintiff
2 continued to complain about Julio Prada.

- 3 e) Senior Financial Institutions Examiner Jenny Wong (650) 504-8594, San Francisco DFI
4 Office; Former Examiner Susie Hseh; DFI Investigator Anne Jordan (916) 324-9679,
5 Sacramento DFI Office; Senior Financial Institutions Examiner Patrick Lum (916) 323-
6 7013, Sacramento DFI Office; Former DFI Personnel Manager Shereta Alexander;
7 Financial Institutions Manager Bill Schott (858) 485-4066, San Diego DFI Office, Senior
8 Financial Institutions Manager Rosalyn Tomaszewski (619) 861-2738, San Diego DFI
9 Office; Legal Secretary Rina Zepeda, (619) 682-7227, San Diego DFI Office; Senior
10 Financial Institutions Examiner Steve Herrick (619) 682-7227, San Diego DFI Office;
11 and Former Examiner John Rockwell, (510) 390-4360, Oakland, CA.
12
13 f) Individual Development Plan dated 2005 and 2008, emails concerning disapproval by
14 Julio Prada in 2007, disapproval or training request in 2008.
15

16 Discovery is continuing and Plaintiff reserves the right to amend his responses.

17 **RESPONSE TO FORM INTERROGATORY NO. 204.2**

18 Yes.

- 19 a) Emotional trauma, nightmares, panic attacks, possible Post Traumatic Stress Disorder.
20 b) Plaintiff suffered injury as the result of Julio Prada and Robert Venchiartutti's actions.
21 c) Continuous 2005 2009.
22 d) No.
23 e) No.
24

25 Discovery is continuing and Plaintiff reserves the right to amend his response.

26 **RESPONSE TO FORM INTERROGATORY NO. 205.1**

27 Yes.
28

- 1 a) Title VII of the United States Code, Age Discrimination Act and California Government
2 Code Section 12900 et. seq.
- 3 b) Junior examiners with considerably less education and job experience promoted over
4 Plaintiff for the past five management interviews within 18 month period. Plaintiff
5 reassigned to a new job classification during the past year that virtually eliminates any
6 chance of future promotions. Plaintiff not allowed to participate in All-Staff Training
7 seminar during a week in June of 2007, not allowed to partake in Leadership Challenge
8 Program which is generally considered a prerequisite for management promotion within
9 in Department of Financial Institutions. Discouraged by Robert Venchiarutti for
10 applying for the Supervisor position in mid-2006 (Jeanette Barraza was later given the
11 position.) Plaintiff was Number 1 on the eligible listing at the time of her promotion.
12

13
14 Discovery is continuing and Plaintiff reserves the right to amend the response.

15 **RESPONSE TO FORM INTERROGATORY NO. 207.2**

16 Yes.

- 17 a) May 6, 2005; October 11, 2007
- 18 b) Hostile work environment, discrimination, harassment, and retaliation.
- 19 c) Human Resource Department: Shereta Alexander, Manager; Anne Jordon, Human
20 Resources Specialist. Work address for both parties: 1810 13th St., Sacramento, CA.
- 21 d) Anne Jordon, Human Resources Specialist; 1810 13th St., Sacramento, CA.
- 22 e) Shereta Alexander, Human Resources Manager. 1810 13th St., Sacramento, CA.
- 23 f) At least twenty employees were interviewed, but names were withheld from Plaintiff.
- 24 g) No action taken against Julio Prada, Plaintiff was admonished by Personal Officer
25 Veronica Rodriguez for filing action against Mr. Prada in later 2008.
- 26
27 h) Not applicable, there was no action taken.
28

1 i) Informal Discrimination Complaint dated October 11, 2007; Workplace Violence
2 Complaint dated November 26, 2007; IDP dated March 2005 and March of 2008.

3 j) Anne Jordon, Shereta Alexander, Veronica Rodriguez, Julio Prada, Robert Venchiarutti,
4 Rosalyn Tomaszewski, Patrick Lum, Bill Schott. Plaintiff is not aware of the personal
5 addresses for individuals, but all are employed by Defendant, Department of Financial
6 Institutions.
7

8 Discovery is continuing and Plaintiff reserves the right to amend his response.

9 **RESPONSE TO FORM INTERROGATORY NO. 208.1**

10 Yes.

11 a) Equal Employment Opportunity Commission, on or about January 2008, amended on or
12 about December 2009; Department of Fair Employment and Housing, on or about
13 January 2008, on or about December 2009.
14

15 b) Equal Employment Opportunity Commission, 555 West Beech St., Ste. 504, San Diego,
16 CA 92101; California Department of Fair Employment and Housing, 1350 Front St. Ste.
17 1063, San Diego, CA 92109.

18 c) EEOC: 37A-2009-13061; DFEH: E200809DO228-OO-are.

19 d) Retaliation, Discrimination based on age and race.

20 e) On or about January of 2008, on or about December of 2009.

21 f) Plaintiff does have such information available to him at this time.

22 g) EEOC: on or about September of 2009; DFEH: on or about September of 2009.

23 h) There have been no conclusions made to date.
24

25 Discovery is continuing and Plaintiff reserves the right to amend his response.

26 **RESPONSE TO FORM INTERROGATORY NO. 209.1**

27 No. Discovery is continuing and Plaintiff reserves the right to amend his response.
28

1 **RESPONSE TO FORM INTERROGATORY NO. 210.1**

2 Objection, interrogatory is duplicative of Form Interrogatories General and seeks to unfairly
3 harass Plaintiff in a relentless pursuit for information. Yes. Discovery is continuing and
4 Plaintiff reserves the right to amend his answer.
5

6 **RESPONSE TO FORM INTERROGATORY NO. 210.2**

7 Objection, interrogatory is duplicative of Form Interrogatories General and seeks to unfairly
8 harass Plaintiff in a relentless pursuit for information. Approximately \$10,000. \$700/month lost
9 salary increase covering 12 month time frame to date.

10 **RESPONSE TO FORM INTERROGATORY NO. 210.3**

11 Objection, interrogatory is duplicative of Form Interrogatories General and seeks to unfairly
12 harass Plaintiff in a relentless pursuit for information. Yes. Lost pension benefits in the state
13 pension, Public Employment Retirement System, is partially calculated based upon the highest
14 salary earned in any given year. In addition, lost monthly income of approximately \$700/month,
15 which would have been the amount of additional income per month if I had been promoted last
16 February 2009, or earlier. Total future losses will be: \$92,000 in lost salary, \$462,000 in lost
17 retirement. Lost salary and retirement were calculated between now and projected retirement
18 age of 65. If the retirement benefit is to continue for 50 years (Plaintiff's wife is 34 years old),
19 the lost retirement would be approximately \$462,000. Formula used is 50 years multiplied by
20 \$770/month multiplied by 12. At age 65, Plaintiff's pension would be 110% of the highest
21 annual salary, which is where the \$770 amount is calculated. The lost salary would
22 approximately be \$92,400 for 11 more years of employment at \$700/month.

23 Discovery is continuing and Plaintiff reserves the right to amend his responses.

24 **RESPONSE TO FORM INTERROGATORY NO. 210.4**

25
26 Objection, interrogatory is duplicative of Form Interrogatories General and seeks to unfairly
27 harass Plaintiff in a relentless pursuit for information. Yes. Plaintiff has continuously applied
28

1 for a promotion despite being denied the position because of Defendant's discriminatory and
2 retaliatory actions.

3 **RESPONSE TO FORM INTERROGATORY NO. 210.5**

4 Objection, interrogatory is duplicative of Form Interrogatories General and seeks to unfairly
5 harass Plaintiff in a relentless pursuit for information. No. Discovery is continuing and Plaintiff
6 reserves the right to amend his response.

7 **RESPONSE TO FORM INTERROGATORY NO. 210.6**

8 Objection, interrogatory is duplicative of Form Interrogatories General and seeks to unfairly
9 harass Plaintiff in a relentless pursuit for information. No. Discovery is continuing and Plaintiff
10 reserves the right to amend his response.

11 **RESPONSE TO FORM INTERROGATORY NO. 212.1**

12 Objection, interrogatory is duplicative of Form Interrogatories General and seeks to unfairly
13 harass Plaintiff in a relentless pursuit for information. Yes. Discovery is continuing and
14 Plaintiff reserves the right to amend his response.

15 **RESPONSE TO FORM INTERROGATORY NO. 212.2**

16 Objection, interrogatory is duplicative of Form Interrogatories General and seeks to unfairly
17 harass Plaintiff in a relentless pursuit for information. Emotional injuries. Nightmares, panic
18 attacks, possible Post Traumatic Stress Disorder. Discovery is continuing and Plaintiff reserves
19 the right to amend his response.

20 **RESPONSE TO FORM INTERROGATORY NO. 212.3**

21 Objection, interrogatory is duplicative of Form Interrogatories General and seeks to unfairly
22 harass Plaintiff in a relentless pursuit for information. Yes.

- 23 a) Nightmares, panic attacks, possible Post Traumatic Stress Disorder.
24 b) Improving overtime from therapy.
25
26
27
28

- 1 c) Nightmares and panic attacks would occur approximately twice a week during 2007 and
2 2008 lasting sometimes a half-hour each time.

3 **RESPONSE TO FORM INTERROGATORY NO. 212.4**

4 Objection, interrogatory is duplicative of Form Interrogatories General and seeks to unfairly
5 harass Plaintiff in a relentless pursuit for information. Yes.

- 6 a) David Ross, LCSW, 426 Pennsylvania Ave., San Diego, CA 92013, (619) 876-2014;
7 Jeanie Maddox c/o MHN, 1220 South Alma School Rd., Mesa, AZ 85210 (800) 742-
8 1672.
9 b) Treatment for Eye Movement Desensitization & Reprocessing and Post Traumatic Stress
10 Disorder, nightmares, Panic attacks.
11 c) March 2009 – present.
12 d) Employment Assistance Program: no cost; David Ross: \$2,000.

13 Discovery is continuing and Plaintiff reserves the right to amend his response.

14 **RESPONSE TO FORM INTERROGATORY NO. 212.5**

15 Objection, interrogatory is duplicative of Form Interrogatories General and seeks to unfairly
16 harass Plaintiff in a relentless pursuit for information. No. Discovery is continuing and Plaintiff
17 reserves the right to amend his response.

18 **RESPONSE TO FORM INTERROGATORY NO. 212.6**

19 Objection, interrogatory is duplicative of Form Interrogatories General and seeks to unfairly
20 harass Plaintiff in a relentless pursuit for information. No. Discovery is continuing and Plaintiff
21 reserves the right to amend his response.

22 **RESPONSE TO FORM INTERROGATORY NO. 212.7**

23 Objection, interrogatory is duplicative of Form Interrogatories General and seeks to unfairly
24 harass Plaintiff in a relentless pursuit for information. Yes.

- 25 a) David Ross, LCSW, 426 Pennsylvania Ave., San Diego, CA 92013, (619) 876-2014;
26 Jeanie Maddox c/o MHN, 1220 South Alma School Rd., Mesa, AZ 85210 (800) 742-
27 1672.
28

- 1 b) Emotional Injuries: nightmares, panic attacks and Post Traumatic Stress Disorder.
2 c) Dr. Ross: recommended weekly counseling for continuing emotional problems.
3 Estimated cost: \$125/hour, possibly totaling \$2,500 annually.
4 Dr. Maddox: recommended weekly counseling until the job-related emotional issues
5 discontinue. No cost for these services.

6 **RESPONSE TO FORM INTERROGATORY NO. 213.1**

7 No. Discovery is continuing and Plaintiff reserves the right to amend his response.

8 **RESPONSE TO FORM INTERROGATORY NO. 213.2**

9 Not applicable. Discovery is continuing and Plaintiff reserves the right to amend his response.

10 **RESPONSE TO FORM INTERROGATORY NO. 215.1**

11 No. Discovery is continuing and Plaintiff reserves the right to amend his response.

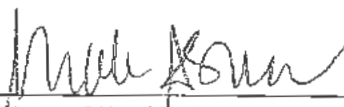
12 **RESPONSE TO FORM INTERROGATORY NO. 215.2**

13 Objection, interrogatory is duplicative of Form Interrogatories General and seeks to unfairly
14 harass Plaintiff in a relentless pursuit for information. Yes.

- 15 a) Patrick Lum, address unknown, (916) 323-7013; Rosalyn Tomaszewski (619) 861-2738
16 b) Department of Financial Institutions Employee in Sacramento Office, name unknown.
17 c) On or about 2008.
18 d) Patrick Lum, address unknown, (916) 323-7013, Rosalyn Tomaszewski (619) 861-2738.

19 Discovery is continuing and Plaintiff reserves the right to amend his response.
20

21
22 Dated: 2-9-10



Nicole A. Silveira, Esq.
Attorney For Plaintiff

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Chris Knudsen, Supervising Deputy Attorney General, State Bar No.: 155897 Office of the Attorney General 110 West A Street, Suite 1100 San Diego, CA 92101 TELEPHONE NO.: (619) 645-3060 FAX NO. (Optional): (619) 645-2581 E-MAIL ADDRESS (Optional): chris.knudsen@doj.ca.gov ATTORNEY FOR (Name): Defendants, California Department of Financial Institutions	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO 330 West Broadway San Diego, CA 92101	
SHORT TITLE OF CASE: Donald Lake v. California Department of Financial Institutions, et al.	
FORM INTERROGATORIES—GENERAL Asking Party: Defendants, Calif. Dept. of Financial Institutions Answering Party: Plaintiff, Donald Lake Set No.: One	CASE NUMBER: 37-2009-00102604-CU-OE-CTL

Sec. 1. Instructions to All Parties

(a) Interrogatories are written questions prepared by a party to an action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use in civil cases.

(b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010–2030.410 and the cases construing those sections.

(c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or make any objection.

Sec. 2. Instructions to the Asking Party

(a) These interrogatories are designed for optional use by parties in unlimited civil cases where the amount demanded exceeds \$25,000. Separate interrogatories, *Form Interrogatories—Limited Civil Cases (Economic Litigation)* (form DISC-004), which have no subparts, are designed for use in limited civil cases where the amount demanded is \$25,000 or less; however, those interrogatories may also be used in unlimited civil cases.

(b) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those interrogatories that are applicable to the case.

(c) You may insert your own definition of **INCIDENT** in Section 4, but only where the action arises from a course of conduct or a series of events occurring over a period of time.

(d) The interrogatories in section 16.0, Defendant's Contentions—Personal Injury, should not be used until the defendant has had a reasonable opportunity to conduct an investigation or discovery of plaintiff's injuries and damages.

(e) Additional interrogatories may be attached.

Sec. 3. Instructions to the Answering Party

(a) An answer or other appropriate response must be given to each interrogatory checked by the asking party.

(b) As a general rule, within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared. See Code of Civil Procedure sections 2030.260–2030.270 for details.

(c) Each answer must be as complete and straightforward as the information reasonably available to you, including the information possessed by your attorneys or agents, permits. If an interrogatory cannot be answered completely, answer it to the extent possible.

(d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.

(e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

(f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.

(g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.

(h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.

(DATE)

(SIGNATURE)

Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

(a) (Check one of the following):

- ☒ (1) **INCIDENT** includes the circumstances and events surrounding the alleged accident, injury, or other occurrence or breach of contract giving rise to this action or proceeding.

- ☐ (2) **INCIDENT** means (insert your definition here or on a separate, attached sheet labeled "Sec. 4(a)(2)").

(b) YOU OR ANYONE ACTING ON YOUR BEHALF

includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.

(c) **PERSON** includes a natural person, firm, association, organization, partnership, business, trust, limited liability company, corporation, or public entity.

(d) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, electronically stored information, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.

(e) **HEALTH CARE PROVIDER** includes any **PERSON** referred to in Code of Civil Procedure section 667.7(e)(3).

(f) **ADDRESS** means the street address, including the city, state, and zip code.

Sec. 5. Interrogatories

The following interrogatories have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

CONTENTS

- 1.0 Identity of Persons Answering These Interrogatories
- 2.0 General Background Information—Individual
- 3.0 General Background Information—Business Entity
- 4.0 Insurance
- 5.0 [Reserved]
- 6.0 Physical, Mental, or Emotional Injuries
- 7.0 Property Damage
- 8.0 Loss of Income or Earning Capacity
- 9.0 Other Damages
- 10.0 Medical History
- 11.0 Other Claims and Previous Claims
- 12.0 Investigation—General
- 13.0 Investigation—Surveillance
- 14.0 Statutory or Regulatory Violations
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- 16.0 Defendant's Contentions Personal Injury
- 17.0 Responses to Request for Admissions
- 18.0 [Reserved]
- 19.0 [Reserved]
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- 25.0 [Reserved]
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- 70.0 Unlawful Detainer [See separate form DISC-003]
- 101.0 Economic Litigation [See separate form DISC-004]
- 200.0 Employment Law [See separate form DISC-002]
- Family Law [See separate form FL-145]

1.0 Identity of Persons Answering These Interrogatories

- ☒ 1.1 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON** who prepared or assisted in the preparation of the responses to these interrogatories. (Do not identify anyone who simply typed or reproduced the responses.)

2.0 General Background Information—Individual

- ☒ 2.1 State:
- (a) your name;
 - (b) every name you have used in the past; and
 - (c) the dates you used each name.
- ☒ 2.2 State the date and place of your birth.
- ☐ 2.3 At the time of the **INCIDENT**, did you have a driver's license? If so state:
- (a) the state or other issuing entity;
 - (b) the license number and type;
 - (c) the date of issuance; and
 - (d) all restrictions.
- ☐ 2.4 At the time of the **INCIDENT**, did you have any other permit or license for the operation of a motor vehicle? If so, state:
- (a) the state or other issuing entity;
 - (b) the license number and type;
 - (c) the date of issuance; and
 - (d) all restrictions.
- ☒ 2.5 State:
- (a) your present residence **ADDRESS**;
 - (b) your residence **ADDRESSES** for the past five years; and
 - (c) the dates you lived at each **ADDRESS**.
- ☒ 2.6 State:
- (a) the name, **ADDRESS**, and telephone number of your present employer or place of self-employment; and
 - (b) the name, **ADDRESS**, dates of employment, job title, and nature of work for each employer or self-employment you have had from five years before the **INCIDENT** until today.
- ☒ 2.7 State:
- (a) the name and **ADDRESS** of each school or other academic or vocational institution you have attended, beginning with high school;
 - (b) the dates you attended;
 - (c) the highest grade level you have completed; and
 - (d) the degrees received.
- ☒ 2.8 Have you ever been convicted of a felony? If so, for each conviction state:
- (a) the city and state where you were convicted;
 - (b) the date of conviction;
 - (c) the offense; and
 - (d) the court and case number.
- ☐ 2.9 Can you speak English with ease? If not, what language and dialect do you normally use?
- ☐ 2.10 Can you read and write English with ease? If not, what language and dialect do you normally use?

- ☒ 2.11 At the time of the **INCIDENT** were you acting as an agent or employee for any **PERSON**? If so, state:
 (a) the name, **ADDRESS**, and telephone number of that **PERSON**; and
 (b) a description of your duties.

- ☒ 2.12 At the time of the **INCIDENT** did you or any other person have any physical, emotional, or mental disability or condition that may have contributed to the occurrence of the **INCIDENT**? If so, for each person state:
 (a) the name, **ADDRESS**, and telephone number;
 (b) the nature of the disability or condition; and
 (c) the manner in which the disability or condition contributed to the occurrence of the **INCIDENT**.

- ☐ 2.13 Within 24 hours before the **INCIDENT** did you or any person involved in the **INCIDENT** use or take any of the following substances: alcoholic beverage, marijuana, or other drug or medication of any kind (prescription or not)? If so, for each person state:
 (a) the name, **ADDRESS**, and telephone number;
 (b) the nature or description of each substance;
 (c) the quantity of each substance used or taken;
 (d) the date and time of day when each substance was used or taken;
 (e) the **ADDRESS** where each substance was used or taken;
 (f) the name, **ADDRESS**, and telephone number of each person who was present when each substance was used or taken; and
 (g) the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who prescribed or furnished the substance and the condition for which it was prescribed or furnished.

3.0 General Background Information—Business Entity

- ☐ 3.1 Are you a corporation? If so, state:
 (a) the name stated in the current articles of incorporation;
 (b) all other names used by the corporation during the past 10 years and the dates each was used;
 (c) the date and place of incorporation;
 (d) the **ADDRESS** of the principal place of business; and
 (e) whether you are qualified to do business in California.
- ☐ 3.2 Are you a partnership? If so, state:
 (a) the current partnership name;
 (b) all other names used by the partnership during the past 10 years and the dates each was used;
 (c) whether you are a limited partnership and, if so, under the laws of what jurisdiction;
 (d) the name and **ADDRESS** of each general partner; and
 (e) the **ADDRESS** of the principal place of business.
- ☐ 3.3 Are you a limited liability company? If so, state:
 (a) the name stated in the current articles of organization;
 (b) all other names used by the company during the past 10 years and the date each was used;
 (c) the date and place of filing of the articles of organization;
 (d) the **ADDRESS** of the principal place of business; and
 (e) whether you are qualified to do business in California.

- ☐ 3.4 Are you a joint venture? If so, state:
 (a) the current joint venture name;
 (b) all other names used by the joint venture during the past 10 years and the dates each was used;
 (c) the name and **ADDRESS** of each joint venturer; and
 (d) the **ADDRESS** of the principal place of business.

- ☐ 3.5 Are you an unincorporated association? If so, state:
 (a) the current unincorporated association name;
 (b) all other names used by the unincorporated association during the past 10 years and the dates each was used; and
 (c) the **ADDRESS** of the principal place of business.

- ☐ 3.6 Have you done business under a fictitious name during the past 10 years? If so, for each fictitious name state:
 (a) the name;
 (b) the dates each was used;
 (c) the state and county of each fictitious name filing; and
 (d) the **ADDRESS** of the principal place of business.

- ☐ 3.7 Within the past five years has any public entity registered or licensed your business? If so, for each license or registration:
 (a) identify the license or registration;
 (b) state the name of the public entity; and
 (c) state the dates of issuance and expiration.

4.0 Insurance

- ☐ 4.1 At the time of the **INCIDENT**, was there in effect any policy of insurance through which you were or might be insured in any manner (for example, primary, pro-rata, or excess liability coverage or medical expense coverage) for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, for each policy state:
 (a) the kind of coverage;
 (b) the name and **ADDRESS** of the insurance company;
 (c) the name, **ADDRESS**, and telephone number of each named insured;
 (d) the policy number;
 (e) the limits of coverage for each type of coverage contained in the policy;
 (f) whether any reservation of rights or controversy or coverage dispute exists between you and the insurance company; and
 (g) the name, **ADDRESS**, and telephone number of the custodian of the policy.

- ☐ 4.2 Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, specify the statute.

5.0 [Reserved]

6.0 Physical, Mental, or Emotional Injuries

- ☒ 6.1 Do you attribute any physical, mental, or emotional injuries to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 6.2 through 6.7).
- ☒ 6.2 Identify each injury you attribute to the **INCIDENT** and the area of your body affected.

- ☒ 6.3 Do you still have any complaints that you attribute to the **INCIDENT**? If so, for each complaint state:
- (a) a description;
 - (b) whether the complaint is subsiding, remaining the same, or becoming worse; and
 - (c) the frequency and duration.

- ☒ 6.4 Did you receive any consultation or examination (except from expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) or treatment from a **HEALTH CARE PROVIDER** for any injury you attribute to the **INCIDENT**? If so, for each **HEALTH CARE PROVIDER** state:

- (a) the name, **ADDRESS**, and telephone number;
- (b) the type of consultation, examination, or treatment provided;
- (c) the dates you received consultation, examination, or treatment; and
- (d) the charges to date.

- ☒ 6.5 Have you taken any medication, prescribed or not, as a result of injuries that you attribute to the **INCIDENT**? If so, for each medication state:

- (a) the name;
- (b) the **PERSON** who prescribed or furnished it;
- (c) the date it was prescribed or furnished;
- (d) the dates you began and stopped taking it; and
- (e) the cost to date.

- ☒ 6.6 Are there any other medical services necessitated by the injuries that you attribute to the **INCIDENT** that were not previously listed (for example, ambulance, nursing, prosthetics)? If so, for each service state:

- (a) the nature;
- (b) the date;
- (c) the cost; and
- (d) the name, **ADDRESS**, and telephone number of each provider.

- ☒ 6.7 Has any **HEALTH CARE PROVIDER** advised that you may require future or additional treatment for any injuries that you attribute to the **INCIDENT**? If so, for each injury state:

- (a) the name and **ADDRESS** of each **HEALTH CARE PROVIDER**;
- (b) the complaints for which the treatment was advised; and
- (c) the nature, duration, and estimated cost of the treatment.

7.0 Property Damage

- ☒ 7.1 Do you attribute any loss of or damage to a vehicle or other property to the **INCIDENT**? If so, for each item of property:

- (a) describe the property;
- (b) describe the nature and location of the damage to the property;

- (c) state the amount of damage you are claiming for each item of property and how the amount was calculated; and
- (d) if the property was sold, state the name, **ADDRESS**, and telephone number of the seller, the date of sale, and the sale price.

- ☒ 7.2 Has a written estimate or evaluation been made for any item of property referred to in your answer to the preceding interrogatory? If so, for each estimate or evaluation state:

- (a) the name, **ADDRESS**, and telephone number of the **PERSON** who prepared it and the date prepared;
- (b) the name, **ADDRESS**, and telephone number of each **PERSON** who has a copy of it; and
- (c) the amount of damage stated.

- ☒ 7.3 Has any item of property referred to in your answer to interrogatory 7.1 been repaired? If so, for each item state:

- (a) the date repaired;
- (b) a description of the repair;
- (c) the repair cost;
- (d) the name, **ADDRESS**, and telephone number of the **PERSON** who repaired it;
- (e) the name, **ADDRESS**, and telephone number of the **PERSON** who paid for the repair.

8.0 Loss of Income or Earning Capacity

- ☒ 8.1 Do you attribute any loss of income or earning capacity to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 8.2 through 8.8).

- ☒ 8.2 State:

- (a) the nature of your work;
- (b) your job title at the time of the **INCIDENT**; and
- (c) the date your employment began.

- ☒ 8.3 State the last date before the **INCIDENT** that you worked for compensation.

- ☒ 8.4 State your monthly income at the time of the **INCIDENT** and how the amount was calculated.

- ☒ 8.5 State the date you returned to work at each place of employment following the **INCIDENT**.

- ☒ 8.6 State the dates you did not work and for which you lost income as a result of the **INCIDENT**.

- ☒ 8.7 State the total income you have lost to date as a result of the **INCIDENT** and how the amount was calculated.

- ☒ 8.8 Will you lose income in the future as a result of the **INCIDENT**? If so, state:

- (a) the facts upon which you base this contention;
- (b) an estimate of the amount;
- (c) an estimate of how long you will be unable to work; and
- (d) how the claim for future income is calculated.

9.0 Other Damages

- ☒ 9.1 Are there any other damages that you attribute to the **INCIDENT**? If so, for each item of damage state:
- (a) the nature;
 - (b) the date it occurred;
 - (c) the amount; and
 - (d) the name, **ADDRESS**, and telephone number of each **PERSON** to whom an obligation was incurred.
- ☒ 9.2 Do any **DOCUMENTS** support the existence or amount of any item of damages claimed in interrogatory 9.1? If so, describe each document and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

10.0 Medical History

- ☒ 10.1 At any time before the **INCIDENT** did you have complaints or injuries that involved the same part of your body claimed to have been injured in the **INCIDENT**? If so, for each state:
- (a) a description of the complaint or injury;
 - (b) the dates it began and ended; and
 - (c) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** whom you consulted or who examined or treated you.
- ☒ 10.2 List all physical, mental, and emotional disabilities you had immediately before the **INCIDENT**. (*You may omit mental or emotional disabilities unless you attribute any mental or emotional injury to the **INCIDENT**.*)
- ☒ 10.3 At any time after the **INCIDENT**, did you sustain injuries of the kind for which you are now claiming damages? If so, for each incident giving rise to an injury state:
- (a) the date and the place it occurred;
 - (b) the name, **ADDRESS**, and telephone number of any other **PERSON** involved;
 - (c) the nature of any injuries you sustained;
 - (d) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** who you consulted or who examined or treated you; and
 - (e) the nature of the treatment and its duration.

11.0 Other Claims and Previous Claims

- ☒ 11.1 Except for this action, in the past 10 years have you filed an action or made a written claim or demand for compensation for your personal injuries? If so, for each action, claim, or demand state:
- (a) the date, time, and place (closest street **ADDRESS** or intersection) of the **INCIDENT** giving rise to the action, claim, or demand;
 - (b) the name, **ADDRESS**, and telephone number of each **PERSON** against whom the claim or demand was made or the action filed;

- (c) the court, names of the parties, and case number of any action filed;
- (d) the name, **ADDRESS**, and telephone number of any attorney representing you;
- (e) whether the claim or action has been resolved or is pending; and
- (f) a description of the injury.

- ☒ 11.2 In the past 10 years have you made a written claim or demand for workers' compensation benefits? If so, for each claim or demand state:
- (a) the date, time, and place of the **INCIDENT** giving rise to the claim;
 - (b) the name, **ADDRESS**, and telephone number of your employer at the time of the injury;
 - (c) the name, **ADDRESS**, and telephone number of the workers' compensation insurer and the claim number;
 - (d) the period of time during which you received workers' compensation benefits;
 - (e) a description of the injury;
 - (f) the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who provided services; and
 - (g) the case number at the Workers' Compensation Appeals Board.

12.0 Investigation—General

- ☒ 12.1 State the name, **ADDRESS**, and telephone number of each individual:
- (a) who witnessed the **INCIDENT** or the events occurring immediately before or after the **INCIDENT**;
 - (b) who made any statement at the scene of the **INCIDENT**;
 - (c) who heard any statements made about the **INCIDENT** by any individual at the scene; and
 - (d) who **YOU OR ANYONE ACTING ON YOUR BEHALF** claim has knowledge of the **INCIDENT** (except for expert witnesses covered by Code of Civil Procedure section 2034).
- ☒ 12.2 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual concerning the **INCIDENT**? If so, for each individual state:
- (a) the name, **ADDRESS**, and telephone number of the individual interviewed;
 - (b) the date of the interview; and
 - (c) the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the interview.
- ☒ 12.3 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or recorded statement from any individual concerning the **INCIDENT**? If so, for each statement state:
- (a) the name, **ADDRESS**, and telephone number of the individual from whom the statement was obtained;
 - (b) the name, **ADDRESS**, and telephone number of the individual who obtained the statement;
 - (c) the date the statement was obtained; and
 - (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original statement or a copy.

- ☒ 12.4 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any photographs, films, or videotapes depicting any place, object, or individual concerning the **INCIDENT** or plaintiff's injuries? If so, state:

- (a) the number of photographs or feet of film or videotape;
- (b) the places, objects, or persons photographed, filmed, or videotaped;
- (c) the date the photographs, films, or videotapes were taken;
- (d) the name, **ADDRESS**, and telephone number of the individual taking the photographs, films, or videotapes; and
- (e) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of the photographs, films, or videotapes.

- ☒ 12.5 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any diagram, reproduction, or model of any place or thing (except for items developed by expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) concerning the **INCIDENT**? If so, for each item state:

- (a) the type (i.e., diagram, reproduction, or model);
- (b) the subject matter; and
- (c) the name, **ADDRESS**, and telephone number of each **PERSON** who has it.

- ☒ 12.6 Was a report made by any **PERSON** concerning the **INCIDENT**? If so, state:

- (a) the name, title, identification number, and employer of the **PERSON** who made the report;
- (b) the date and type of report made;
- (c) the name, **ADDRESS**, and telephone number of the **PERSON** for whom the report was made; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of the report.

- ☒ 12.7 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** inspected the scene of the **INCIDENT**? If so, for each inspection state:

- (a) the name, **ADDRESS**, and telephone number of the individual making the inspection (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310); and
- (b) the date of the inspection.

13.0 Investigation—Surveillance

- ☒ 13.1 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** conducted surveillance of any individual involved in the **INCIDENT** or any party to this action? If so, for each surveillance state:

- (a) the name, **ADDRESS**, and telephone number of the individual or party;
- (b) the time, date, and place of the surveillance;
- (c) the name, **ADDRESS**, and telephone number of the individual who conducted the surveillance; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of any surveillance photograph, film, or videotape.

- ☒ 13.2 Has a written report been prepared on the surveillance? If so, for each written report state:

- (a) the title;
- (b) the date;
- (c) the name, **ADDRESS**, and telephone number of the individual who prepared the report; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy.

14.0 Statutory or Regulatory Violations

- ☒ 14.1 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** contend that any **PERSON** involved in the **INCIDENT** violated any statute, ordinance, or regulation and that the violation was a legal (proximate) cause of the **INCIDENT**? If so, identify the name, **ADDRESS**, and telephone number of each **PERSON** and the statute, ordinance, or regulation that was violated.

- ☒ 14.2 Was any **PERSON** cited or charged with a violation of any statute, ordinance, or regulation as a result of this **INCIDENT**? If so, for each **PERSON** state:

- (a) the name, **ADDRESS**, and telephone number of the **PERSON**;
- (b) the statute, ordinance, or regulation allegedly violated;
- (c) whether the **PERSON** entered a plea in response to the citation or charge and, if so, the plea entered; and
- (d) the name and **ADDRESS** of the court or administrative agency, names of the parties, and case number.

15.0 Denials and Special or Affirmative Defenses

- ☐ 15.1 Identify each denial of a material allegation and each special or affirmative defense in your pleadings and for each:

- (a) state all facts upon which you base the denial or special or affirmative defense;
- (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
- (c) identify all **DOCUMENTS** and other tangible things that support your denial or special or affirmative defense, and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

16.0 Defendant's Contentions—Personal Injury

- ☐ 16.1 Do you contend that any **PERSON**, other than you or plaintiff, contributed to the occurrence of the **INCIDENT** or the injuries or damages claimed by plaintiff? If so, for each **PERSON**:

- (a) state the name, **ADDRESS**, and telephone number of the **PERSON**;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

- ☐ 16.2 Do you contend that plaintiff was not injured in the **INCIDENT**? If so:

- (a) state all facts upon which you base your contention;
- (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (c) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.3 Do you contend that the injuries or the extent of the injuries claimed by plaintiff as disclosed in discovery proceedings thus far in this case were not caused by the **INCIDENT**? If so, for each injury:

- (a) identify it;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.4 Do you contend that any of the services furnished by any **HEALTH CARE PROVIDER** claimed by plaintiff in discovery proceedings thus far in this case were not due to the **INCIDENT**? If so:

- (a) identify each service;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.5 Do you contend that any of the costs of services furnished by any **HEALTH CARE PROVIDER** claimed as damages by plaintiff in discovery proceedings thus far in this case were not necessary or unreasonable? If so:

- (a) identify each cost;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.6 Do you contend that any part of the loss of earnings or income claimed by plaintiff in discovery proceedings thus far in this case was unreasonable or was not caused by the **INCIDENT**? If so:

- (a) identify each part of the loss;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.7 Do you contend that any of the property damage claimed by plaintiff in discovery Proceedings thus far in this case was not caused by the **INCIDENT**? If so:

- (a) identify each item of property damage;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.8 Do you contend that any of the costs of repairing the property damage claimed by plaintiff in discovery proceedings thus far in this case were unreasonable? If so:

- (a) identify each cost item;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.9 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** (for example, insurance bureau index reports) concerning claims for personal injuries made before or after the **INCIDENT** by a plaintiff in this case? If so, for each plaintiff state:

- (a) the source of each **DOCUMENT**;
- (b) the date each claim arose;
- (c) the nature of each claim; and
- (d) the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

☐ 16.10 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** concerning the past or present physical, mental, or emotional condition of any plaintiff in this case from a **HEALTH CARE PROVIDER** not previously identified (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310)? If so, for each plaintiff state:

- (a) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER**;
- (b) a description of each **DOCUMENT**; and
- (c) the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

17.0 Responses to Request for Admissions

☐ 17.1 Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:

- (a) state the number of the request;
- (b) state all facts upon which you base your response;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your response and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

18.0 [Reserved]

19.0 [Reserved]

20.0 How the Incident Occurred—Motor Vehicle

☐ 20.1 State the date, time, and place of the **INCIDENT** (closest street **ADDRESS** or intersection).

☐ 20.2 For each vehicle involved in the **INCIDENT**, state:

- (a) the year, make, model, and license number;
- (b) the name, **ADDRESS**, and telephone number of the driver;

- (c) the name, **ADDRESS**, and telephone number of each occupant other than the driver;
- (d) the name, **ADDRESS**, and telephone number of each registered owner;
- (e) the name, **ADDRESS**, and telephone number of each lessee;
- (f) the name, **ADDRESS**, and telephone number of each owner other than the registered owner or lien holder; and
- (g) the name of each owner who gave permission or consent to the driver to operate the vehicle.

☐ 20.3 State the **ADDRESS** and location where your trip began and the **ADDRESS** and location of your destination.

☐ 20.4 Describe the route that you followed from the beginning of your trip to the location of the **INCIDENT**, and state the location of each stop, other than routine traffic stops, during the trip leading up to the **INCIDENT**.

☐ 20.5 State the name of the street or roadway, the lane of travel, and the direction of travel of each vehicle involved in the **INCIDENT** for the 500 feet of travel before the **INCIDENT**.

☐ 20.6 Did the **INCIDENT** occur at an intersection? If so, describe all traffic control devices, signals, or signs at the intersection.

☐ 20.7 Was there a traffic signal facing you at the time of the **INCIDENT**? If so, state:

- (a) your location when you first saw it;
- (b) the color;
- (c) the number of seconds it had been that color; and
- (d) whether the color changed between the time you first saw it and the **INCIDENT**.

☐ 20.8 State how the **INCIDENT** occurred, giving the speed, direction, and location of each vehicle involved:

- (a) just before the **INCIDENT**;
- (b) at the time of the **INCIDENT**; and (c) just after the **INCIDENT**.

☐ 20.9 Do you have information that a malfunction or defect in a vehicle caused the **INCIDENT**? If so:

- (a) identify the vehicle;
- (b) identify each malfunction or defect;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and
- (d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.

☐ 20.10 Do you have information that any malfunction or defect in a vehicle contributed to the injuries sustained in the **INCIDENT**? If so:

- (a) identify the vehicle;
- (b) identify each malfunction or defect;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and

(d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.

☐ 20.11 State the name, **ADDRESS**, and telephone number of each owner and each **PERSON** who has had possession since the **INCIDENT** of each vehicle involved in the **INCIDENT**.

25.0 [Reserved]

30.0 [Reserved]

40.0 [Reserved]

50.0 Contract

☐ 50.1 For each agreement alleged in the pleadings:

- (a) identify each **DOCUMENT** that is part of the agreement and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (b) state each part of the agreement not in writing, the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to that provision, and the date that part of the agreement was made;
- (c) identify all **DOCUMENTS** that evidence any part of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (d) identify all **DOCUMENTS** that are part of any modification to the agreement, and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (e) state each modification not in writing, the date, and the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to the modification, and the date the modification was made;
- (f) identify all **DOCUMENTS** that evidence any modification of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**.

☐ 50.2 Was there a breach of any agreement alleged in the pleadings? If so, for each breach describe and give the date of every act or omission that you claim is the breach of the agreement.

☐ 50.3 Was performance of any agreement alleged in the pleadings excused? If so, identify each agreement excused and state why performance was excused.

☐ 50.4 Was any agreement alleged in the pleadings terminated by mutual agreement, release, accord and satisfaction, or novation? If so, identify each agreement terminated, the date of termination, and the basis of the termination.

☐ 50.5 Is any agreement alleged in the pleadings unenforceable? If so, identify each unenforceable agreement and state why it is unenforceable.

☐ 50.6 Is any agreement alleged in the pleadings ambiguous? If so, identify each ambiguous agreement and state why it is ambiguous.

60.0 [Reserved]

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Lake, Donald v. California Department of Financial Institutions et al.**

Case No.: **37-2009-00102604-CU-OE-CTI.**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On December 31, 2009, I served the attached:

FORM INTERROGATORIES – GENERAL

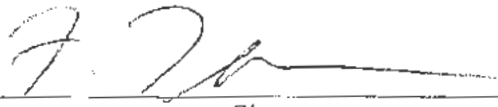
By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Daniel Kodam, Esq.
Kodam & Associates, PC
41880 Kalmia Street, Suite 130
Murrieta, CA 92562

Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 31, 2009, at San Diego, California.

F. Terrones
Declarant


Signature

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State bar number, and address):

Chris Knudsen, Supervising Deputy Attorney General, State Bar No.: 155897
 Office of the Attorney General
 110 West A Street, Suite 1100
 San Diego, CA 92101

TELEPHONE NO.: (619) 645-3060

FAX NO. (Optional): (619) 645-2581

E-MAIL ADDRESS (Optional): chris.knudsen@doj.ca.gov

ATTORNEY FOR (Name): Defendants, California Department of Financial Institutions

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

330 West Broadway
 San Diego, CA 92101

SHORT TITLE:

Donald Lake v. California Department of Financial Institutions, et al.

FORM INTERROGATORIES – EMPLOYMENT LAW

Asking Party: Defendants, Calif. Dept. of Financial Institutions

Answering Party: Plaintiff, Donald Lake

Set No.: One

CASE NUMBER:

37-2009-00102604-CU-OE-CTL

Sec. 1. Instructions to All Parties

- (a) Interrogatories are written questions prepared by a party to an action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use in employment cases.
- (b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010–2030.410 and the cases construing those sections.
- (c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or make any objection.

Sec. 2. Instructions to the Asking Party

- (a) These form interrogatories are designed for optional use by parties in employment cases. (Separate sets of interrogatories, *Form Interrogatories—General* (form DISC-001) and *Form Interrogatories—Limited Civil Cases (Economic Litigation)* (form DISC-004) may also be used where applicable in employment cases.)
- (b) Insert the names of the **EMPLOYEE** and **EMPLOYER** to whom these interrogatories apply in the definitions in sections 4(d) and (e) below.
- (c) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those interrogatories that are applicable to the case.
- (d) The Interrogatories in section 211.0, Loss of Income Interrogatories to Employer, should not be used until the employer has had a reasonable opportunity to conduct an investigation or discovery of the employee's injuries and damages.
- (e) Additional interrogatories may be attached.

- (c) Each answer must be as complete and straightforward as the information reasonably available to you permits. If an interrogatory cannot be answered completely, answer it to the extent possible.
- (d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.
- (e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.
- (f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.
- (g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.
- (h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.

(DATE)

(SIGNATURE)

Sec. 3. Instructions to the Answering Party

- (a) You must answer or provide another appropriate response to each interrogatory that has been checked below.
- (b) As a general rule, within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared. See Code of Civil Procedure sections 2030.260–2030.270 for details.

Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

- (a) **PERSON** includes a natural person, firm, association, organization, partnership, business, trust, limited liability company, corporation, or public entity.

- (b) **YOU OR ANYONE ACTING ON YOUR BEHALF** includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.
- (c) **EMPLOYMENT** means a relationship in which an **EMPLOYEE** provides services requested by or on behalf of an **EMPLOYER**, other than an independent contractor relationship.
- (d) **EMPLOYEE** means a **PERSON** who provides services in an **EMPLOYMENT** relationship and who is a party to this lawsuit. For purposes of these interrogatories, **EMPLOYEE** refers to (insert name):
- (If no name is inserted, **EMPLOYEE** means all such **PERSONS**.)
- (e) **EMPLOYER** means a **PERSON** who employs an **EMPLOYEE** to provide services in an **EMPLOYMENT** relationship and who is a party to this lawsuit. For purposes of these interrogatories, **EMPLOYER** refers to (insert name):
- (If no name is inserted, **EMPLOYER** means all such **PERSONS**.)
- (f) **ADVERSE EMPLOYMENT ACTION** means any **TERMINATION**, suspension, demotion, reprimand, loss of pay, failure or refusal to hire, failure or refusal to promote, or other action or failure to act that adversely affects the **EMPLOYEE'S** rights or interests and which is alleged in the **PLEADINGS**.
- (g) **TERMINATION** means the actual or constructive termination of employment and includes a discharge, firing, layoff, resignation, or completion of the term of the employment agreement.
- (h) **PUBLISH** means to communicate orally or in writing to anyone other than the plaintiff. This includes communications by one of the defendant's employees to others. (*Kelly v. General Telephone Co.* (1982) 136 Cal.App.3d 278, 284.)
- (i) **PLEADINGS** means the original or most recent emended version of any complaint, answer, cross-complaint, or answer to cross-complaint.
- (j) **BENEFIT** means any benefit from an **EMPLOYER**, including an "employee welfare benefit plan" or employee pension benefit plan" within the meaning of Title 29 United States Code section 1002(1) or (2) or ERISA.
- (k) **HEALTH CARE PROVIDER** includes any **PERSON** referred to in Code of Civil Procedure section 667.7(e)(3).
- (l) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, electronically stored information, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.
- (m) **ADDRESS** means the street address, including the city, state and zip code.

Sec. 5. Interrogatories

The following interrogatories for employment law cases have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

CONTENTS

- 200.0 Contract Formation
- 201.0 Adverse Employment Action
- 202.0 Discrimination Interrogatories to Employee
- 203.0 Harassment Interrogatories to Employee
- 204.0 Disability Discrimination
- 205.0 Discharge in Violation of Public Policy
- 206.0 Defamation
- 207.0 Internal Complaints
- 208.0 Governmental Complaints
- 209.0 Other Employment Claims by Employee or Against Employer
- 210.0 Loss of income Interrogatories to Employee
- 211.0 Loss of income Interrogatories to Employer
- 212.0 Physical, Mental, or Emotional Injuries—Interrogatories to Employee
- 213.0 Other Damages Interrogatories to Employee
- 214.0 Insurance
- 215.0 Investigation
- 216.0 Denials and Special or Affirmative Defenses
- 217.0 Response to Request for Admissions

200.0 Contract Formation

- ☐ 200.1 Do you contend that the **EMPLOYMENT** relationship was at "at will"? If so:
- (a) state all facts upon which you base this contention;
 - (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of those facts; and
 - (c) identify all **DOCUMENTS** that support your contention.
- ☐ 200.2 Do you contend that the **EMPLOYMENT** relationship was not "at will"? If so:
- (a) state all facts upon which you base this contention;
 - (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of those facts; and
 - (c) identify all **DOCUMENTS** that support your contention.
- ☐ 200.3 Do you contend that the **EMPLOYMENT** relationship was governed by any agreement—written, oral, or implied? If so:
- (a) state all facts upon which you base this contention;
 - (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of those facts; and
 - (c) identify all **DOCUMENTS** that support your contention.

☐ 200.4 Was any part of the parties' **EMPLOYMENT** relationship governed in whole or in part by any written rules, guidelines, policies, or procedures established by the **EMPLOYER**? If so, for each **DOCUMENT** containing the written rules, guidelines, policies, or procedures:

- (a) state the date and title of the **DOCUMENT** and a general description of its contents;
- (b) state the manner in which the **DOCUMENT** was communicated to employees; and
- (c) state the manner, if any, in which employees acknowledged either receipt of the **DOCUMENT** or knowledge of its contents.

☐ 200.5 Was any part of the parties' **EMPLOYMENT** relationship covered by one or more collective bargaining agreements or memorandums of understanding between the **EMPLOYER** (or an association of employers) and any labor union or employee association? If so, for each collective bargaining agreement or memorandum of understanding, state:

- (a) the names and **ADDRESSES** of the parties to the collective bargaining agreement or memorandum of understanding;
- (b) the beginning and ending dates, if applicable, of the collective bargaining agreement or memorandum of understanding; and
- (c) which parts of the collective bargaining agreement or memorandum of understanding, if any, govern (1) any dispute or claim referred to in the **PLEADINGS** and (2) the rules or procedures for resolving any dispute or claim referred to in the **PLEADINGS**.

☐ 200.6 Do you contend that the **EMPLOYEE** and the **EMPLOYER** were in a business relationship other than an **EMPLOYMENT** relationship? If so, for each relationship:

- (a) state the names of the parties to the relationship;
- (b) identify the relationship; and
- (c) state all facts upon which you base your contention that the parties were in a relationship other than an **EMPLOYMENT** relationship.

201.0 Adverse Employment Action

☐ 201.1 Was the **EMPLOYEE** involved in a **TERMINATION**? If so:

- (a) state all reasons for the **EMPLOYEE'S TERMINATION**;
- (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who participated in the **TERMINATION** decision;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who provided any information relied upon in the **TERMINATION** decision; and
- (d) identify all **DOCUMENTS** relied upon in the **TERMINATION** decision.

☐ 201.2 Are there any facts that would support the **EMPLOYEE'S TERMINATION** that were first discovered after the **TERMINATION**? If so:

- (a) state the specific facts;
- (b) state when and how **EMPLOYER** first learned of each specific fact;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of the specific facts; and
- (d) identify all **DOCUMENTS** that evidence these specific facts.

☐ 201.3 Were there any other **ADVERSE EMPLOYMENT ACTIONS**, including (the asking party should list the **ADVERSE EMPLOYMENT ACTIONS**):

If so, for each action, provide the following:

- (a) all reasons for each **ADVERSE EMPLOYMENT ACTION**;
- (b) the name, **ADDRESS**, and telephone number of each **PERSON** who participated in making each **ADVERSE EMPLOYMENT ACTION** decision;
- (c) the name, **ADDRESS**, and telephone number of each **PERSON** who provided any information relied upon in making each **ADVERSE EMPLOYMENT ACTION** decision; and
- (d) the identity of all **DOCUMENTS** relied upon in making each **ADVERSE EMPLOYMENT ACTION** decision.

☐ 201.4 Was the **TERMINATION** or any other **ADVERSE EMPLOYMENT ACTIONS** referred to in Interrogatories 201.1 through 201.3 based in whole or in part on the **EMPLOYEE'S** job performance? If so, for each action:

- (a) identify the **ADVERSE EMPLOYMENT ACTION**;
- (b) identify the **EMPLOYEE'S** specific job performance that played a role in that **ADVERSE EMPLOYMENT ACTION**;
- (c) identify any rules, guidelines, policies, or procedures that were used to evaluate the **EMPLOYEE'S** specific job performance;
- (d) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who had responsibility for evaluating the specific job performance of the **EMPLOYEE**;
- (e) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the **EMPLOYEE'S** specific job performance that played a role in that **ADVERSE EMPLOYMENT ACTION**; and
- (f) describe all warnings given with respect to the **EMPLOYEE'S** specific job performance.

- ☐ 201.5 Was any **PERSON** hired to replace the **EMPLOYEE** after the **EMPLOYEE'S TERMINATION** or demotion? If so, state the **PERSON'S** name, job title, qualifications, **ADDRESS** and telephone number, and the date the **PERSON** was hired.
- ☐ 201.6 Has any **PERSON** performed any of the **EMPLOYEE'S** former job duties after the **EMPLOYEE'S TERMINATION** or demotion? If so:
- (a) state the **PERSON'S** name, job title, **ADDRESS**, and telephone number;
 - (b) identify the duties; and
 - (c) state the date on which the **PERSON** started to perform the duties.
- ☐ 201.7 If the **ADVERSE EMPLOYMENT ACTION** involved the failure or refusal to select the **EMPLOYEE** (for example, for hire, promotion, transfer, or training), was any other **PERSON** selected instead? If so, for each **ADVERSE EMPLOYMENT ACTION**, state the name, **ADDRESS**, and telephone number of each **PERSON** selected; the date the **PERSON** was selected; and the reason the **PERSON** was selected instead of the **EMPLOYEE**.

202.0 Discrimination—Interrogatories to Employee

- ☒ 202.1 Do you contend that any **ADVERSE EMPLOYMENT ACTIONS** against you were discriminatory? If so:
- (a) identify each **ADVERSE EMPLOYMENT ACTION** that involved unlawful discrimination;
 - (b) identify each characteristic (for example, gender, race, age, etc.) on which you base your claim or claims of discrimination;
 - (c) state all facts upon which you base each claim of discrimination;
 - (d) state the name, **ADDRESS**, and telephone number of each **PERSON** with knowledge of those facts; and
 - (e) identify all **DOCUMENTS** evidencing those facts.
- ☒ 202.2 State all facts upon which you base your contention that you were qualified to perform any job which you contend was denied to you on account of unlawful discrimination.

203.0 Harassment—Interrogatories to Employee

- ☒ 203.1 Do you contend that you were unlawfully harassed in your employment? If so:
- (a) state the name, **ADDRESS**, telephone number, and employment position of each **PERSON** whom you contend harassed you;
 - (b) for each **PERSON** whom you contend harassed you, describe the harassment;

- (c) identify each characteristic (for example, gender, race, age, etc.) on which you base your claim of harassment;
- (d) state all facts upon which you base your contention that you were unlawfully harassed;
- (e) state the name, **ADDRESS**, and telephone number of each **PERSON** with knowledge of those facts; and
- (f) identify all **DOCUMENTS** evidencing those facts.

204.0 Disability Discrimination

- ☐ 204.1 Name and describe each disability alleged in the **PLEADINGS**.
- ☒ 204.2 Does the **EMPLOYEE** allege any injury or illness that arose out of or in the course of **EMPLOYMENT**? If so, state:
- (a) the nature of such injury or illness;
 - (b) how such injury or illness occurred;
 - (c) the date on which such injury or illness occurred;
 - (d) whether **EMPLOYEE** has filed a workers' compensation claim. If so, state the date and outcome of the claim; and
 - (e) whether **EMPLOYEE** has filed or applied for disability benefits of any type. If so, state the date, identify the nature of the benefits applied for, and the outcome of any such application.
- ☐ 204.3 Were there any communications between the **EMPLOYEE** (or the **EMPLOYEE'S HEALTH CARE PROVIDER**) and the **EMPLOYER** about the type or extent of any disability of **EMPLOYEE**? If so:
- (a) state the name, **ADDRESS**, and telephone number of each person who made or received the communications;
 - (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who witnessed the communications;
 - (c) describe the date and substance of the communications; and
 - (d) identify each **DOCUMENT** that refers to the communications.
- ☐ 204.4 Did the **EMPLOYER** have any information about the type, existence, or extent of any disability of **EMPLOYEE** other than from communications with the **EMPLOYEE** or the **EMPLOYEE'S HEALTH CARE PROVIDER**? If so, state the sources and substance of that information and the name, **ADDRESS**, and telephone number of each **PERSON** who provided or received the information.
- ☐ 204.5 Did the **EMPLOYEE** need any accommodation to perform any function of the **EMPLOYEE'S** job position or need a transfer to another position as an accommodation? If so, describe the accommodations needed.

☐ 204.6 Were there any communications between the **EMPLOYEE** (or the **EMPLOYEE'S HEALTH CARE PROVIDER**) and the **EMPLOYER** about any possible accommodation of **EMPLOYEE**? If so, for each communication:

- (a) state the name, **ADDRESS**, and telephone number of each **PERSON** who made or received the communication;
- (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who witnessed the communication;
- (c) describe the date and substance of the communication; and
- (d) identify each **DOCUMENT** that refers to the communication.

☐ 204.7 What did the **EMPLOYER** consider doing to accommodate the **EMPLOYEE**? For each accommodation considered:

- (a) describe the accommodation considered;
- (b) state whether the accommodation was offered to the **EMPLOYEE**;
- (c) state the **EMPLOYEE'S** response; or
- (d) if the accommodation was not offered, state all the reasons why this decision was made;
- (e) state the name, **ADDRESS**, and telephone number of each **PERSON** who on behalf of **EMPLOYER** made any decision about what accommodations, if any, to make for the **EMPLOYEE**; and
- (f) state the name, **ADDRESS**, and telephone number of each **PERSON** who on behalf of the **EMPLOYER** made or received any communications about what accommodations, if any, to make for the **EMPLOYEE**.

205.0 Discharge in Violation of Public Policy

☒ 205.1 Do you contend that the **EMPLOYER** took any **ADVERSE EMPLOYMENT ACTION** against you in violation of public policy? If so:

- (a) identify the constitutional provision, statute, regulation, or other source of the public policy that you contend was violated; and
- (b) state all facts upon which you base your contention that the **EMPLOYER** violated public policy.

206.0 Defamation

☐ 206.1 Did the **EMPLOYER'S** agents or employees **PUBLISH** any of the allegedly defamatory statements identified in the **PLEADINGS**? If so, for each statement:

- (a) identify the **PUBLISHED** statement;
- (b) state the name, **ADDRESS**, telephone number, and job title of each person who **PUBLISHED** the statement;
- (c) state the name, **ADDRESS**, and telephone number of each person to whom the statement was **PUBLISHED**;

- (d) state whether, at the time the statement was **PUBLISHED**, the **PERSON** who **PUBLISHED** the statement believed it to be true; and
- (e) state all facts upon which the **PERSON** who published the statement based the belief that it was true.

☐ 206.2 State the name and **ADDRESS** of each agent or employee of the **EMPLOYER** who responded to any inquiries regarding the **EMPLOYEE** after the **EMPLOYEE'S TERMINATION**.

☐ 206.3 State the name and **ADDRESS** of the recipient and the substance of each post-**TERMINATION** statement **PUBLISHED** about **EMPLOYEE** by any agent or employee of **EMPLOYER**.

207.0 Internal Complaints

☐ 207.1 Were there any internal written policies or regulations of the **EMPLOYER** that apply to the making of a complaint of the type that is the subject matter of this lawsuit? If so:

- (a) state the title and date of each **DOCUMENT** containing the policies or regulations and a general description of the **DOCUMENT'S** contents;
- (b) state the manner in which the **DOCUMENT** was communicated to **EMPLOYEES**;
- (c) state the manner, if any, in which **EMPLOYEES** acknowledged receipt of the **DOCUMENT** or knowledge of its contents, or both;
- (d) state, if you contend that the **EMPLOYEE** failed to use any available internal complaint procedures, all facts that support that contention; and
- (e) state, if you contend that the **EMPLOYEE'S** failure to use internal complaint procedures was excused, all facts why the **EMPLOYEE'S** use of the procedures was excused.

☒ 207.2 Did the **EMPLOYEE** complain to the **EMPLOYER** about any of the unlawful conduct alleged in the **PLEADINGS**? If so, for each complaint:

- (a) state the date of the complaint;
- (b) state the nature of the complaint;
- (c) state the name and **ADDRESS** of each **PERSON** to whom the complaint was made;
- (d) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who investigated the complaint;
- (e) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who participated in making decisions about how to conduct the investigation;

- (f) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who was interviewed or who provided an oral or written statement as part of the investigation of the complaint;
- (g) state the nature and date of any action taken in response to the complaint;
- (h) state whether the **EMPLOYEE** who made the complaint was made aware of the actions taken by the **EMPLOYER** in response to the complaint, and, if so, state how and when;
- (i) identify all **DOCUMENTS** relating to the complaint, the investigation, and any action taken in response to the complaint; and
- (j) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of the **EMPLOYEE'S** complaint or the **EMPLOYER'S** response to the complaint.

208.0 Governmental Complaints

- ☒ 208.1 Did the **EMPLOYEE** file a claim, complaint, or charge with any governmental agency that involved any of the material allegations made in the **PLEADINGS**? If so, for each claim, complaint, or charge:
- (a) state the date on which it was filed;
 - (b) state the name and **ADDRESS** of the agency with which it was filed;
 - (c) state the number assigned to the claim, complaint, or charge by the agency;
 - (d) state the nature of each claim, complaint, or charge made;
 - (e) state the date on which the **EMPLOYER** was notified of the claim, complaint, or charge;
 - (f) state the name, **ADDRESS**, and telephone number of all **PERSONS** within the governmental agency with whom the **EMPLOYER** has had any contact or communication regarding the claim, complaint, or charge;
 - (g) state whether a right to sue notice was issued and, if so, when; and
 - (h) state whether any findings or conclusions regarding the complaint or charge have been made, and, if so, the date and description of the agency's findings or conclusions.
- ☐ 208.2 Did the **EMPLOYER** respond to any claim, complaint, or charge identified in Interrogatory 208.1? If so, for each claim, complaint, or charge:
- (a) state the nature and date of any investigation done or any other action taken by the **EMPLOYER** in response to the claim, complaint, or charge;
 - (b) state the name, **ADDRESS**, telephone number, and job title of each person who investigated the claim, complaint, or charge;
 - (c) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who participated in making decisions about how to conduct the investigation; and

- (d) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who was interviewed or who provided an oral or written statement as part of the investigation.

209.0 Other Employment Claims by Employee or Against Employer

- ☒ 209.1 Except for this action, in the past 10 years has the **EMPLOYEE** filed a civil action against any employer regarding the **EMPLOYEE'S** employment? If so, for each civil action:
- (a) state the name, **ADDRESS**, and telephone number of each employer against whom the action was filed;
 - (b) state the court, names of the parties, and case number of the civil action;
 - (c) state the name, **ADDRESS**, and telephone number of any attorney representing the **EMPLOYEE**; and
 - (d) state whether the action has been resolved or is pending.
- ☐ 209.2 Except for this action, in the past 10 years has any employee filed a civil action against the **EMPLOYER** regarding his or her employment? If so, for each civil action:
- (a) state the name, **ADDRESS**, and telephone number of each employee who filed the action;
 - (b) state the court, names of the parties, and case number of the civil action;
 - (c) state the name, **ADDRESS**, and telephone number of any attorney representing the **EMPLOYER**; and
 - (d) state whether the action has been resolved or is pending.

210.0 Loss of Income—Interrogatories to Employee

- ☒ 210.1 Do you attribute any loss of income, benefits, or earning capacity to any **ADVERSE EMPLOYMENT ACTION**? (If your answer is "no," do not answer Interrogatories 210.2 through 210.6.)
- ☒ 210.2 State the total amount of income, benefits, or earning capacity you have lost to date and how the amount was calculated.
- ☒ 210.3 Will you lose income, benefits, or earning capacity in the future as a result of any **ADVERSE EMPLOYMENT ACTION**? If so, state the total amount of income, benefits, or earning capacity you expect to lose, and how the amount was calculated.
- ☒ 210.4 Have you attempted to minimize the amount of your lost income? If so, describe how; if not, explain why not.

☒ 210.5 Have you purchased any benefits to replace any benefits to which you would have been entitled if the **ADVERSE EMPLOYMENT ACTION** had not occurred? If so, state the cost for each benefit purchased.

☒ 210.6 Have you obtained other employment since any **ADVERSE EMPLOYMENT ACTION**? If so, for each new employment:

- (a) state when the new employment commenced;
- (b) state the hourly rate or monthly salary for the new employment; and
- (c) state the benefits available from the new employment.

211.0 Loss of Income—Interrogatories to Employer
[See instruction 2(d).]

☐ 211.1 Identify each type of **BENEFIT** to which the **EMPLOYEE** would have been entitled, from the date of the **ADVERSE EMPLOYMENT ACTION** to the present, if the **ADVERSE EMPLOYMENT ACTION** had not happened and the **EMPLOYEE** had remained in the same job position. For each type of benefit, state the amount the **EMPLOYER** would have paid to provide the benefit for the **EMPLOYEE** during this time period and the value of the **BENEFIT** to the **EMPLOYEE**.

☐ 211.2 Do you contend that the **EMPLOYEE** has not made reasonable efforts to minimize the amount of the **EMPLOYEE'S** lost income? If so:

- (a) describe what more **EMPLOYEE** should have done;
- (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts that support your contention; and
- (c) identify all **DOCUMENTS** that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

☐ 211.3 Do you contend that any of the lost income claimed by the **EMPLOYEE**, as disclosed in discovery thus far in this case, is unreasonable or was not caused by the **ADVERSE EMPLOYMENT ACTION**? If so:

- (a) state the amount of claimed lost income that you dispute;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

212.0 Physical, Mental, or Emotional Injuries—
Interrogatories to Employee

☒ 212.1 Do you attribute any physical, mental, or emotional injuries to the **ADVERSE EMPLOYMENT ACTION**? (If your answer is "no," do not answer Interrogatories 212.2 through 212.7.)

☒ 212.2 Identify each physical, mental, or emotional injury that you attribute to the **ADVERSE EMPLOYMENT ACTION** and the area of your body affected.

☒ 212.3 Do you still have any complaints of physical, mental, or emotional injuries that you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each complaint state:

- (a) a description of the injury;
- (b) whether the complaint is subsiding, remaining the same, or becoming worse; and
- (c) the frequency and duration.

☒ 212.4 Did you receive any consultation or examination (except from expert witnesses covered by Code of Civil Procedure section 2034) or treatment from a **HEALTH CARE PROVIDER** for any injury you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each **HEALTH CARE PROVIDER** state:

- (a) the name, **ADDRESS**, and telephone number;
- (b) the type of consultation, examination, or treatment provided;
- (c) the dates you received consultation, examination, or treatment; and
- (d) the charges to date.

☒ 212.5 Have you taken any medication, prescribed or not, as a result of injuries that you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each medication state:

- (a) the name of the medication;
- (b) the name, **ADDRESS** and telephone number of the **PERSON** who prescribed or furnished it;
- (c) the date prescribed or furnished;
- (d) the dates you began and stopped taking it; and
- (e) the cost to date.

☒ 212.6 Are there any other medical services not previously listed in response to Interrogatory 212.4 (for example, ambulance, nursing, prosthetics) that you received for injuries attributed to the **ADVERSE EMPLOYMENT ACTION**? If so, for each service state:

- (a) the nature;
- (b) the date;
- (c) the cost; and
- (d) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER**.

- ☒ 212.7 Has any **HEALTH CARE PROVIDER** advised that you may require future or additional treatment for any injuries that you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each injury state:
- (a) the name and **ADDRESS** of each **HEALTH CARE PROVIDER**;
 - (b) the complaints for which the treatment was advised; and
 - (c) the nature, duration, and estimated cost of the treatment.

213.0 Other Damages—Interrogatories to Employee

- ☒ 213.1 Are there any other damages that you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each item of damage state:
- (a) the nature;
 - (b) the date it occurred;
 - (c) the amount; and
 - (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of the nature or amount of the damage.
- ☒ 213.2 Do any **DOCUMENTS** support the existence or amount of any item of damages claimed in Interrogatory 213.1? If so, identify the **DOCUMENTS** and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

214.0 Insurance

- ☐ 214.1 At the time of the **ADVERSE EMPLOYMENT ACTION**, was there in effect any policy of insurance through which you were or might be insured in any manner for the damages, claims, or actions that have arisen out of the **ADVERSE EMPLOYMENT ACTION**? If so, for each policy state:
- (a) the kind of coverage;
 - (b) the name and **ADDRESS** of the insurance company;
 - (c) the name, **ADDRESS**, and telephone number of each named insured;
 - (d) the policy number;
 - (e) the limits of coverage for each type of coverage contained in the policy;
 - (f) whether any reservation of rights or controversy or coverage dispute exists between you and the insurance company; and
 - (g) the name, **ADDRESS**, and telephone number of the custodian of the policy.
- ☐ 214.2 Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the **ADVERSE EMPLOYMENT ACTION**? If so, specify the statute.

215.0 Investigation

- ☒ 215.1 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual concerning the **ADVERSE EMPLOYMENT ACTION**? If so, for each individual state:
- (a) the name, **ADDRESS**, and telephone number of the individual interviewed;
 - (b) the date of the interview; and
 - (c) the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the interview.
- ☒ 215.2 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or recorded statement from any individual concerning the **ADVERSE EMPLOYMENT ACTION**? If so, for each statement state:
- (a) the name, **ADDRESS**, and telephone number of the individual from whom the statement was obtained;
 - (b) the name, **ADDRESS**, and telephone number of the individual who obtained the statement;
 - (c) the date the statement was obtained; and
 - (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original statement or a copy.

216.0 Denials and Special or Affirmative Defenses

- ☐ 216.1 Identify each denial of a material allegation and each special or affirmative defense in your **PLEADINGS** and for each:
- (a) state all facts upon which you base the denial or special or affirmative defense;
 - (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
 - (c) identify all **DOCUMENTS** and all other tangible things, that support your denial or special or affirmative defense, and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

217.0 Response to Request for Admissions

- ☐ 217.1 Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:
- (a) state the number of the request;
 - (b) state all facts upon which you base your response;
 - (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
 - (d) identify all **DOCUMENTS** and other tangible things that support your response and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Lake, Donald v. California Department of Financial Institutions et al.**

Case No.: **37-2009-00102604-CU-OE-CTL**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On December 31, 2009, I served the attached:

FORM INTERROGATORIES – EMPLOYMENT LAW

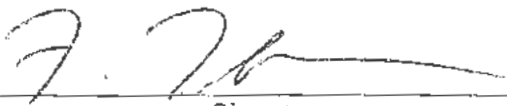
By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Daniel Kodam, Esq.
Kodam & Associates, PC
41880 Kalmia Street, Suite 130
Murrieta, CA 92562

Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 31, 2009, at San Diego, California.

F. Terrones
Declarant



Signature

1 Daniel Kodam, Esq. (SBN 190703)
2 KODAM & ASSOCIATES, PC
3 41880 Kalmia Street, Suite 130
4 Murrieta, CA 92562
5 Phone: 951-445-4905
6 Facsimile: 951-445-4906

7 Attorney for Plaintiff

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
9 CENTRAL JUDICIAL DISTRICT

10 Donald Lake,

11 Plaintiff,

12 v.

13 State Personnel Board,

14 Defendant,

15 California Department of Financial Institutions,
16 Julio Prada, an individual; Robert Venchiarutti,
17 and individual; and Docs 1 – 32,

18 Real Party in Interest and Defendant.

Case No.: 37-2009-00102604-CU-OE-CTL

PLAINTIFF'S RESPONSES TO
DEFENDANT'S REQUEST FOR
PRODUCTION OF DOCUMENTS, SET
ONE

19 PROPOUNDING PARTY: Defendant, CALIFORNIA DEPT. OF FINANCIAL
20 INSTITUTIONS

21 RESPONDING PARTY: Plaintiff, DONALD LAKE

22 SET NO: One

23 TO DEFENDANTS AND THEIR ATTORNEY OF RECORD HEREIN:

24 Pursuant to Code of Civil Procedure Section 2031.010, Plaintiff Donald Lake hereby responds to
25 Defendant California Department of Financial Institution's First Demand for Inspection and
26 Production of Documents as follows:
27
28

1 Please note that this responding party has not completed the discovery in this action and
2 has not fully completed preparation for trial. All of the responses contained herein are based
3 only on the information and documents, which are presently available, and specifically known to
4 this responding party as of the date of these responses, and disclose only those contentions,
5 which presently are apparent to this responding party. It is anticipated that further discovery,
6 investigation, research and analysis could yield additional factual evidence, or change the
7 meaning and theory of the facts and conclusions developed heretofore, all of which may
8 substantially affect contentions set forth herein.

10 These responses are given without prejudice to responding party's right to produce
11 evidence of subsequently discovered facts learned after the date hereof, or which this responding
12 party may later recall. Responding party accordingly reserves the right to change any and all
13 answers herein as additional facts are ascertained, analyses are made, legal research is completed
14 and contentions are made. Accordingly, responding party shall amend their responses, if
15 necessary, in order to comply with the defendant's discovery request. The responses contained
16 herein are made in good faith effort to supply as much information, which is presently known.
17 These responses should no way prejudice the plaintiff in relation to further discovery,
18 investigation, research or analysis.

20 **RESPONSE TO DEMAND NO. 1**

21
22 Objection. Burdensome, Oppressive, Overbroad, discovery request is so broad and unlimited as
23 to scope that Plaintiff cannot reasonable discern what particular items are being requested.
24 Nonetheless, in the spirit of cooperation, Plaintiff has provided documentation in compliance
25 with this request. Discovery is continuing and Plaintiff reserves the right to amend his answer.

26 **RESPONSE TO DEMAND NO. 2**

1 Objection. Burdensome, Oppressive, Overbroad, discovery request is so broad and unlimited as
2 to scope that Plaintiff cannot reasonable discern what particular items are being requested.
3 Nonetheless, in the spirit of cooperation, Plaintiff has provided documentation in compliance
4 with this request. Discovery is continuing and Plaintiff reserves the right to amend his answer.
5

6 **RESPONSE TO DEMAND NO. 3**

7 Objection. Burdensome, Oppressive, Overbroad, discovery request is so broad and unlimited as
8 to scope that Plaintiff cannot reasonable discern what particular items are being requested.
9 Nonetheless, in the spirit of cooperation, Plaintiff has provided documentation in compliance
10 with this request. Discovery is continuing and Plaintiff reserves the right to amend his answer.
11

12 **RESPONSE TO DEMAND NO. 4**

13 Objection. Burdensome, Oppressive, Overbroad, discovery request is so broad and unlimited as
14 to scope that Plaintiff cannot reasonable discern what particular items are being requested.
15 Nonetheless, in the spirit of cooperation, Plaintiff has provided documentation in compliance
16 with this request. Discovery is continuing and Plaintiff reserves the right to amend his answer.
17

18 **RESPONSE TO DEMAND NO. 5**

19 Objection. Burdensome, Oppressive, Overbroad, discovery request is so broad and unlimited as
20 to scope that Plaintiff cannot reasonable discern what particular items are being requested.
21 Nonetheless, in the spirit of cooperation, Plaintiff has provided documentation in compliance
22 with this request. Discovery is continuing and Plaintiff reserves the right to amend his answer.
23

24 **RESPONSE TO DEMAND NO. 6**

25 Objection. Burdensome, Oppressive, Overbroad, discovery request is so broad and unlimited as
26 to scope that Plaintiff cannot reasonable discern what particular items are being requested.
27 Nonetheless, in the spirit of cooperation, Plaintiff has provided documentation in compliance
28 with this request. Discovery is continuing and Plaintiff reserves the right to amend his answer.

1 **RESPONSE TO DEMAND NO. 7**

2 Objection. Burdensome, Oppressive, Overbroad, discovery request is so broad and unlimited as
3 to scope that Plaintiff cannot reasonable discern what particular items are being requested.
4 Nonetheless, in the spirit of cooperation, Plaintiff has provided documentation in compliance
5 with this request. Discovery is continuing and Plaintiff reserves the right to amend his answer.
6

7 **RESPONSE TO DEMAND NO. 8**

8 Objection. Burdensome, Oppressive, Overbroad, discovery request is so broad and unlimited as
9 to scope that Plaintiff cannot reasonable discern what particular items are being requested.
10 Nonetheless, in the spirit of cooperation, Plaintiff has provided documentation in compliance
11 with this request. Discovery is continuing and Plaintiff reserves the right to amend his answer.
12

13 **RESPONSE TO DEMAND NO. 9**

14 Objection. Burdensome, Oppressive, Overbroad, discovery request is so broad and unlimited as
15 to scope that Plaintiff cannot reasonable discern what particular items are being requested.
16 Nonetheless, in the spirit of cooperation, Plaintiff has provided documentation in compliance
17 with this request. Discovery is continuing and Plaintiff reserves the right to amend his answer.
18

19 **RESPONSE TO DEMAND NO. 10**

20 Objection. Burdensome, Oppressive, Overbroad, discovery request is so broad and unlimited as
21 to scope that Plaintiff cannot reasonable discern what particular items are being requested.
22 Nonetheless, in the spirit of cooperation, Plaintiff has provided documentation in compliance
23 with this request. Discovery is continuing and Plaintiff reserves the right to amend his answer.
24

25 **RESPONSE TO DEMAND NO. 11**

26 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
27 and Plaintiff reserves the right to amend his answer.
28

RESPONSE TO DEMAND NO. 12

1 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
2 and Plaintiff reserves the right to amend his answer.

3 **RESPONSE TO DEMAND NO. 13**

4 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
5 and Plaintiff reserves the right to amend his answer.

6 **RESPONSE TO DEMAND NO. 14**

7 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
8 and Plaintiff reserves the right to amend his answer.

9 **RESPONSE TO DEMAND NO. 15**

10 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
11 and Plaintiff reserves the right to amend his answer.

12 **RESPONSE TO DEMAND NO. 16**

13 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
14 and Plaintiff reserves the right to amend his answer.

15 **RESPONSE TO DEMAND NO. 17**

16 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
17 concluded that no such documentation is in Plaintiff's possession. Discovery is continuing and
18 Plaintiff reserves the right to amend his answer.

19 **RESPONSE TO DEMAND NO. 18**

20 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
21 and Plaintiff reserves the right to amend his answer.

22 **RESPONSE TO DEMAND NO. 19**

1 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
2 concluded that no such documentation is in existence. Discovery is continuing and Plaintiff
3 reserves the right to amend his answer.

4 **RESPONSE TO DEMAND NO. 20**

5 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
6 concluded that no such documentation is in existence. Discovery is continuing and Plaintiff
7 reserves the right to amend his answer.

8 **RESPONSE TO DEMAND NO. 21**

9 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
10 concluded that no such documentation is in existence. Discovery is continuing and Plaintiff
11 reserves the right to amend his answer.

12 **RESPONSE TO DEMAND NO. 21**

13 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
14 concluded that no such documentation is in existence. Discovery is continuing and Plaintiff
15 reserves the right to amend his answer.

16 **RESPONSE TO DEMAND NO. 22**

17 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
18 and Plaintiff reserves the right to amend his answer.

19 **RESPONSE TO DEMAND NO. 23**

20 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
21 and Plaintiff reserves the right to amend his answer.

22 **RESPONSE TO DEMAND NO. 24**

23 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
24 and Plaintiff reserves the right to amend his answer.

1 **RESPONSE TO DEMAND NO. 25**

2 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
3 and Plaintiff reserves the right to amend his answer.

4 **RESPONSE TO DEMAND NO. 26**

5 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
6 concluded that no such documentation is in existence. Discovery is continuing and Plaintiff
7 reserves the right to amend his answer.

8 **RESPONSE TO DEMAND NO. 27**

9 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
10 concluded that no such documentation is in existence. Discovery is continuing and Plaintiff
11 reserves the right to amend his answer.

12 **RESPONSE TO DEMAND NO. 28**

13 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
14 and Plaintiff reserves the right to amend his answer.

15 **RESPONSE TO DEMAND NO. 29**

16 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
17 concluded that no such documentation is in existence. Discovery is continuing and Plaintiff
18 reserves the right to amend his answer.

19 **RESPONSE TO DEMAND NO. 30**

20 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
21 and Plaintiff reserves the right to amend his answer.

22 **RESPONSE TO DEMAND NO. 31**

1 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
2 concluded that no such documentation is in Plaintiff's possession. Discovery is continuing and
3 Plaintiff reserves the right to amend his answer.

4 **RESPONSE TO DEMAND NO. 32**

5 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
6 concluded that no such documentation is in existence. Discovery is continuing and Plaintiff
7 reserves the right to amend his answer.

8 **RESPONSE TO DEMAND NO. 33**

9 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
10 concluded that no such documentation is in existence. Discovery is continuing and Plaintiff
11 reserves the right to amend his answer.

12 **RESPONSE TO DEMAND NO. 34**

13 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
14 concluded that no such documentation is in existence. Discovery is continuing and Plaintiff
15 reserves the right to amend his answer.

16 **RESPONSE TO DEMAND NO. 35**

17 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
18 and Plaintiff reserves the right to amend his answer.

19 **RESPONSE TO DEMAND NO.36**

20 Objection. The information sought in this discovery request is equally available to the
21 propounding party. Discovery is continuing and Plaintiff reserves the right to amend his answer.

22 **RESPONSE TO DEMAND NO. 37**

23 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
24 and Plaintiff reserves the right to amend his answer.

1 **RESPONSE TO DEMAND NO. 38**

2 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
3 and Plaintiff reserves the right to amend his answer.

4 **RESPONSE TO DEMAND NO. 39**

5 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
6 and Plaintiff reserves the right to amend his answer.

7 **RESPONSE TO DEMAND NO. 40**

8 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
9 concluded that no such documentation is in existence. Discovery is continuing and Plaintiff
10 reserves the right to amend his answer.

11 **RESPONSE TO DEMAND NO. 41**

12 Objection. Burdensome, Oppressive, Overbroad, discovery request is so broad and unlimited as
13 to scope that Plaintiff cannot reasonable discern what particular items are being requested.
14 Nonetheless, in the spirit of cooperation, Plaintiff has provided documentation in compliance
15 with this request. Discovery is continuing and Plaintiff reserves the right to amend his answer.

16 **RESPONSE TO DEMAND NO. 42**

17 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
18 and Plaintiff reserves the right to amend his answer.

19 **RESPONSE TO DEMAND NO. 43**

20 Objection. The information sought in this discovery request is equally available to the
21 propounding party. Nonetheless, in the spirit of cooperation, Plaintiff has provided
22 documentation in compliance with this request. Discovery is continuing and Plaintiff reserves
23 the right to amend his answer.

24 **RESPONSE TO DEMAND NO. 44**

1 Objection. The information sought in this discovery request is equally available to the
2 propounding party. After a reasonable and diligent search, it is concluded that no such
3 documentation in his possession. Plaintiff paid for all doctor's visits in cash, and therefore has
4 no documentation of the billing of these visits. Plaintiff will be seeking to obtain all
5 documentation from his therapy through subpoena. Discovery is continuing and Plaintiff
6 reserves the right to amend his answer.
7

8 **RESPONSE TO DEMAND NO. 45**

9 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
10 and Plaintiff reserves the right to amend his answer.
11

12 **RESPONSE TO DEMAND NO. 46**

13 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
14 concluded that no such documentation is in existence. Discovery is continuing and Plaintiff
15 reserves the right to amend his answer.
16

17 **RESPONSE TO DEMAND NO. 47**

18 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
19 concluded that no such documentation is in existence. Discovery is continuing and Plaintiff
20 reserves the right to amend his answer.
21

22 **RESPONSE TO DEMAND NO. 48**

23 Objection. The information sought in this discovery request is equally available to the
24 propounding party. After a reasonable and diligent search, it is concluded that no such
25 documentation in his possession. Plaintiff paid for all doctor's visits in cash, and therefore has
26 no documentation of the billing of these visits. Plaintiff will be seeking to obtain all
27 documentation from his therapy through subpoena. Discovery is continuing and Plaintiff
28 reserves the right to amend his answer.

1 **RESPONSE TO DEMAND NO. 49**

2 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
3 and Plaintiff reserves the right to amend his answer.

4 **RESPONSE TO DEMAND NO. 50**

5 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
6 and Plaintiff reserves the right to amend his answer.

7 **RESPONSE TO DEMAND NO. 51**

8 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
9 and Plaintiff reserves the right to amend his answer.

10 **RESPONSE TO DEMAND NO. 52**

11 Objection. The information sought in this discovery request is equally available to the
12 propounding party. After a reasonable and diligent search, it is concluded that no such
13 documentation in his possession. Plaintiff paid for all doctor's visits in cash, and therefore has
14 no documentation of the billing of these visits. Plaintiff will be seeking to obtain all
15 documentation from his therapy through subpoena. Discovery is continuing and Plaintiff
16 reserves the right to amend his answer.

17 **RESPONSE TO DEMAND NO. 53**

18 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
19 and Plaintiff reserves the right to amend his answer.

20 **RESPONSE TO DEMAND NO. 54**

21 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
22 and Plaintiff reserves the right to amend his answer.

23 **RESPONSE TO DEMAND NO. 55**

1 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
2 concluded that no such documentation is in existence. Discovery is continuing and Plaintiff
3 reserves the right to amend his answer.

4 **RESPONSE TO DEMAND NO. 56**

5 Plaintiff has no such documentation in his possession. After a reasonable and diligent search, it is
6 concluded that no such documentation is in existence. Discovery is continuing and Plaintiff
7 reserves the right to amend his answer.

8 **RESPONSE TO DEMAND NO. 57**

9 Objection. Burdensome, Oppressive, Overbroad, discovery request is so broad and unlimited as
10 to scope that Plaintiff cannot reasonable discern what particular items are being requested.
11 Nonetheless, in the spirit of cooperation, Plaintiff has provided documentation in compliance
12 with this request. Discovery is continuing and Plaintiff reserves the right to amend his answer.
13

14 **RESPONSE TO DEMAND NO. 58**

15 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
16 and Plaintiff reserves the right to amend his answer.

17 **RESPONSE TO DEMAND NO. 59**

18 Plaintiff has provided documentation in compliance with this request. Discovery is continuing
19 and Plaintiff reserves the right to amend his answer.

20 **RESPONSE TO DEMAND NO. 60**

21 Objection. The information sought in this discovery request is equally available to the
22 propounding party. After a reasonable and diligent search, it is concluded that no such
23 documentation in his possession. Plaintiff paid for all doctor's visits in cash, and therefore has
24 no documentation of the billing of these visits. Plaintiff will be seeking to obtain all
25
26
27
28

1 documentation from his therapy through subpoena. Discovery is continuing and Plaintiff
2 reserves the right to amend his answer.

3 **RESPONSE TO DEMAND NO. 61**

4 Objection. The information sought in this discovery request is equally available to the
5 propounding party. After a reasonable and diligent search, it is concluded that no such
6 documentation in his possession. Plaintiff paid for all doctor's visits in cash, and therefore has
7 no documentation of the billing of these visits. Plaintiff will be seeking to obtain all
8 documentation from his therapy through subpoena. Discovery is continuing and Plaintiff
9 reserves the right to amend his answer.
10

11 **RESPONSE TO DEMAND NO. 62**

12 Objection. The information sought in this discovery request is equally available to the
13 propounding party. After a reasonable and diligent search, it is concluded that no such
14 documentation in his possession. Plaintiff paid for all doctor's visits in cash, and therefore has
15 no documentation of the billing of these visits. Plaintiff will be seeking to obtain all
16 documentation from his therapy through subpoena. Discovery is continuing and Plaintiff
17 reserves the right to amend his answer.
18

19 **RESPONSE TO DEMAND NO. 63**

20 Objection. The information sought in this discovery request is equally available to the
21 propounding party. After a reasonable and diligent search, it is concluded that no such
22 documentation in his possession. Plaintiff paid for all doctor's visits in cash, and therefore has
23 no documentation of the billing of these visits. Plaintiff will be seeking to obtain all
24 documentation from his therapy through subpoena. Discovery is continuing and Plaintiff
25 reserves the right to amend his answer.
26

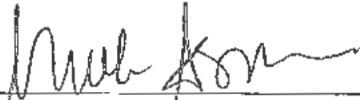
27 **RESPONSE TO DEMAND NO. 64**

1 Objection. The information sought in this discovery request is equally available to the
2 propounding party. After a reasonable and diligent search, it is concluded that no such
3 documentation in his possession. Plaintiff paid for all doctor's visits in cash, and therefore has
4 no documentation of the billing of these visits. Plaintiff will be seeking to obtain all
5 documentation from his therapy through subpoena. Discovery is continuing and Plaintiff
6 reserves the right to amend his answer.
7

8 **RESPONSE TO DEMAND NO. 65**

9 Objection. The information sought in this discovery request is equally available to the
10 propounding party. After a reasonable and diligent search, it is concluded that no such
11 documentation in his possession. Plaintiff paid for all doctor's visits in cash, and therefore has
12 no documentation of the billing of these visits. Plaintiff will be seeking to obtain all
13 documentation from his therapy through subpoena. Discovery is continuing and Plaintiff
14 reserves the right to amend his answer.
15

16
17 Dated: 2-9-10



Daniel Kodam, Esq.
Nicole A. Silveira, Esq.
Attorneys for Plaintiff

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
3 COUNTY OF LOS ANGELES) ss.

4 I am employed in the County of Riverside, State of California. I am over the age of 18 and not a
5 party to the within action. My business address is 41880 Kalmia Street, Suite 115, Murrieta, California
92562.

6 On February 10, 2010, I served the foregoing document(s), reproduced on recycled paper,
7 described as: **Plaintiff's Responses to Form Interrogatories—General, Plaintiff's Responses to**
8 **Form Interrogatories—Employment, Plaintiff's Responses to Special Interrogatories, and**
9 **Plaintiff's Responses to Request for Production of Documents:** on all interested parties addressed as
10 follows:

11 **Chris A Knudsen**
12 **Supervising Deputy Attorney General**
13 **State of California Department of Justice**
14 **110 West A Street, Ste 1100**
15 **San Diego CA 92816-5266**

16 (X) **BY MAIL:** I placed a true copy of the foregoing document(s) in a sealed envelope, addressed to
17 each interested party as set forth above, with postage fully prepaid, I am "readily familiar" with
18 the firm's practice of collection and processing of correspondence for mailing with the U.S.
19 Postal Service and the fact that the correspondence would be deposited with the U.S. Postal
20 Service the same day in the ordinary course of business. I am aware that on motion of party
21 served, service is presumed invalid if postal cancellation date or postage meter date is more than
22 one day after date of deposit for mailing in declaration.

23 () **BY CERTIFIED MAIL:** I placed a true copy of the foregoing document(s) in a sealed
24 envelope, addressed to each interested party as set forth above, with postage fully
25 prepaid, I am "readily familiar" with the firm's practice of collection and processing of
26 correspondence for mailing with the U.S. Postal Service and the fact that the
27 correspondence would be deposited with the U.S. Postal Service the same day in the
28 ordinary course of business. I mailed the foregoing documents using certified mail with a
return receipt requested.

() **BY OVERNIGHT MAIL:** I placed a true copy of the foregoing document (s) in a sealed
envelope with an official ON TRAC/CALIFORNIA OVERNIGHT label addressed to each
interested party as set forth above. I kept a copy of said label, which has the tracking number
readily available to monitor delivery. I deposited said package in the nearest ON
TRAC/CALIFORNIA OVERNIGHT drop box #1128 before the latest pickup time of 5:30 p.m.

() **BY FACSIMILE TRANSMISSION:** I transmitted the foregoing document(s) as described
above from FAX No. (951) 445-4906 to the addressee's telecopier number as stated above or on
the Attached Service List. The facsimile machine I used complied with Rule 2003 and the
machine reported no error. Pursuant to Rule 2005(i), I caused the machine to print a transmission
record of the transmission, a copy of which will be maintained with the appropriate file in our
office.

() **BY ELECTRONIC MAIL:** I transmitted the foregoing document(s) as described above
via electronic mail based on an agreement of the parties to accept service via electronic

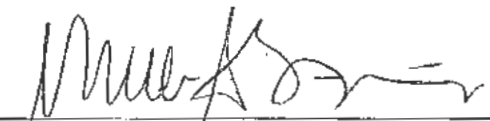
1 mail or electronic transmission. I did not receive within reasonable time after the
2 transmission, any electronic message or other indication that the transmission was
unsuccessful.

3 () **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices
4 of the addressee(s).

5 (XX) **STATE** - I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

6 () **FEDERAL** - I declare that I am employed in the office of a member of the bar of this court at
7 whose direction the service was made.

8 Executed on February 10, 2010, at Murrieta, California.

9 
10 _____
Nicole A. Silveira, Esq.

1 Daniel Kodam, Esq. (SBN 190703)
KODAM & ASSOCIATES, PC
2 41880 Kalmia Street, Suite 130
Murrieta, CA 92562
3 Phone: 951-445-4905
Facsimile: 951-445-4906

4 Attorney for Plaintiff
5
6
7

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
9 CENTRAL JUDICIAL DISTRICT

10 Donald Lake,
11

12 Plaintiff,
13

14 v.
15

16 State Personnel Board,
17

18 Defendant,
19

20 California Department of Financial Institutions,
21 Julio Prada, an individual; Robert Venchiarutti,
22 and individual; and Does 1 – 32,
23

24 Real Party in Interest and Defendant.
25

Case No.: 37-2009-00102604-CU-OE-CTL

PLAINTIFF'S RESPONSES TO
DEFENDANT'S FORM
INTERROGATORIES—GENERAL, SET
ONE

26 PROPOUNDING PARTY: Defendant, CALIFORNIA DEPT. OF FINANCIAL
INSTITUTIONS

27 RESPONDING PARTY: Plaintiff, DONALD LAKE

28 SET NO: One

TO DEFENDANT AND THEIR ATTORNEY OF RECORD HEREIN:

29 Pursuant to Code of Civil Procedure Section 2030, Plaintiff hereby responds to
30 Defendant, DEPARTMENT OF FINANCIAL INSTITUTIONS, First Set of Form
31 Interrogatories --General as follows:
32

1 Please note that this responding party has not completed the discovery in this action and
2 has not fully completed preparation for trial. All of the responses contained herein are based
3 only on the information and documents, which are presently available, and specifically known to
4 this responding party as of the date of these responses, and disclose only those contentions,
5 which presently are apparent to this responding party. It is anticipated that further discovery,
6 investigation, research and analysis could yield additional factual evidence, or change the
7 meaning and theory of the facts and conclusions developed heretofore, all of which may
8 substantially affect contentions set forth herein.
9

10 These interrogatory responses are given without prejudice to responding party's right to
11 produce evidence of subsequently discovered facts learned after the date hereof, or which this
12 responding party may later recall. Responding party accordingly reserves the right to change any
13 and all answers herein as additional facts are ascertained, analyses are made, legal research is
14 completed and contentions are made. Accordingly, responding party shall amend their responses,
15 if necessary, in order to comply with the defendant's discovery request. The responses contained
16 herein are made in good faith effort to supply as much information, which is presently known.
17 These responses should no way prejudice the plaintiff in relation to further discovery,
18 investigation, research or analysis.
19

20 **RESPONSE TO FORM INTERROGATORY NO. 1.1**
21

22 Donald Lake, PO Box 180699, Coronado, CA 92178-0699; (619) 203-7251; Nicole Silveira,
23 Daniel Kodam, 41880 Kalmia St. Ste. 130, Murrieta, CA 92562.

24 **RESPONSE TO FORM INTERROGATORY NO. 2.1**
25

- 26 a) Donald Lake
27 b) Donald Lake
28 c) N/A

1 **RESPONSE TO FORM INTERROGATORY NO. 2.2**

2 October 6, 1955; Athens, Georgia.

3 **RESPONSE TO FORM INTERROGATORY NO. 2.5**

- 4 a) 950 F Ave., No. 11, Coronado, CA 92118
5
6 b) 310 34th St., Sacramento, CA 95816
7
8 c) 950 F Ave., No. 11, Coronado, CA 92118: 2006 -- present; 310 34th St., Sacramento, CA
95816: 2001 - 2006

9 **RESPONSE TO FORM INTERROGATORY NO. 2.6**

- 10 a) Department of Financial Institutions; 7575 Metropolitan Drive., Ste. 108, San Diego, CA
11 92108-4421
12
13 b) Plaintiff has been employed by the Department of Financial Institutions for 28 years from
14 1982 to present. Plaintiff was employed in the San Diego Office for the last three years.
15 Plaintiff was a Senior Examiner. Plaintiff was responsible for the individual and joint
16 examination of all types of California regulated licenses including state chartered banks,
17 trust companies, transmitters of money abroad, payment instrument licensees, processing
18 of regulatory applications and numerous other regulatory duties as required.

19 Discovery is continuing and reserves the right to amend his answer.
20

21 **RESPONSE TO FORM INTERROGATORY NO. 2.7**

- 22 a) Coronado High School, 650 D Ave., Coronado, CA 92218-2197
23 Southwestern Junior College, 900 Otay Lakes Rd., Chula Vista, CA
24 Chabot Junior College, 900 Fallon St., Oakland, CA 94607-4893
25 Chico State University, 400 West First St., Chico, CA 95929
26 Golden Gate University, 536 Mission St., San Francisco, CA 94105-2968
27 Sacramento City College, 3835 Freeport Blvd., Sacramento, CA 95822
28

1 University of Wisconsin-Madison, 333 East Campus Mall, Madison, WI 53715

2 b) Coronado High School, 1970 - 1973

3 Southwestern Junior College, 1973 - 1974

4 Chabot Junior College, 1974

5 Chico State University, 1975 - 1977

6 Golden Gate University, 1982 - 1984

7 Sacramento City College, 2000 - 2001

8 University of Wisconsin-Madison, 2003 - 2005

9 c) Coronado High School, 12th Grade

10 Southwestern Junior College, attended 1.5 years

11 Chabot Junior College, received AA degree

12 Chico State University, attended 2 years, Senior

13 Golden Gate University, attended 2 years, Senior

14 Sacramento City College, attended 2 years, Sophomore

15 University of Wisconsin-Madison, attended 3 years, Senior

16 d) Coronado High School, High School Diploma

17 Lancy Junior College, Associates of Arts Degree

18 Chico State University, Bachelor of Science, Business

19 Golden Gate University, Masters of Business Administration

20 Sacramento City College, Associates of Arts Degree, Criminal Justice

21 University of Wisconsin, Graduate of School of Banking

22 Discovery is continuing and reserves the right to amend his answer.

23 **RESPONSE TO FORM INTERROGATORY NO. 2.8**

24 No. Discovery is continuing and reserves the right to amend his answer.

1 **RESPONSE TO FORM INTERROGATORY NO. 2.11**

2 Yes.

- 3 a) Department of Financial Institutions; 7575 Metropolitan Drive., Ste. 108, San Diego, CA
4 92108-4421
- 5 b) Plaintiff was responsible for the individual and joint examination of all types of
6 California regulated licenses including state chartered banks, trust companies,
7 transmitters of money abroad, payment instrument licensees, processing of regulatory
8 applications and numerous other regulatory duties as required.
9

10 Discovery is continuing and reserves the right to amend his answer.

11 **RESPONSE TO FORM INTERROGATORY NO. 2.12**

12 No. Discovery is continuing and Plaintiff reserves the right to amend his response.
13

14 **RESPONSE TO FORM INTERROGATORY NO. 6.1**

15 Yes. Discovery is continuing and reserves the right to amend his answer.

16 **RESPONSE TO FORM INTERROGATORY NO. 6.2**

17 Emotional injuries: nightmares, panic attacks, signs of Post Traumatic Stress Disorder.

18 Discovery is continuing and reserves the right to amend his answer.
19

20 **RESPONSE TO FORM INTERROGATORY NO. 6.3**

21 Yes.

- 22 a) Emotional injuries: nightmares, panic attacks, signs of Post Traumatic Stress Disorder.
- 23 b) Complaints are lessening due to therapy and change of managers in 2008.
- 24 c) Nightmares and panic attacks would occur approximately twice a week during 2007 and
25 2008 lasting sometimes a half-hour each time.

26 Discovery is continuing and reserves the right to amend his answer.
27
28

1 **RESPONSE TO FORM INTERROGATORY NO. 6.4**

2 Yes.

- 3 a) David Ross, LCSW, 426 Pennsylvania Ave., San Diego, CA 92103; (619) 876-2014
4 Jeanie Maddox, c/o MHN, 1220 South Alma School Rd., Mesa, AZ 85210; (800) 742-
5 1672
- 6 b) Dr. Ross: counseling for PTSD, nightmares, and panic attacks
7 Dr. Maddox: nightmares, panic attacks, Employment Assistance Program which
8 consisted of counseling for bullying behavior by managers and therapy for dealing with
9 emotional trauma.
- 10 c) March 2009 – Present
- 11 d) Employment Assistance Program session: no charge; Dr. Ross: \$2,000.00

12 Discovery is continuing and reserves the right to amend his answer.

13 **RESPONSE TO FORM INTERROGATORY NO. 6.5**

14 No. Discovery is continuing and Plaintiff reserves the right to amend his response.

15 **RESPONSE TO FORM INTERROGATORY NO. 6.6**

16 No. Discovery is continuing and Plaintiff reserves the right to amend his response.

17 **RESPONSE TO FORM INTERROGATORY NO. 6.7**

18 Yes.

- 19 a) David Ross, LCSW, 426 Pennsylvania Ave., San Diego, CA 92103; (619) 876-2014
20 Jeanie Maddox, c/o MHN, 1220 South Alma School Rd., Mesa, AZ 85210; (800) 742-
21 1672
- 22 b) Dr. Ross: work place violence assistance, panic attacks, nightmares
23 Dr. Maddox: possible PTSD, panic attacks, nightmares
- 24 c) Dr. Ross: recommended weekly counseling for continuing emotional problems.
25 Estimated cost: \$125/hour, possibly totaling \$2,500 annually.
26
27
28

1 Dr. Maddox: recommended weekly counseling until the job-related emotional issues
2 discontinue. No cost for these services.

3 Discovery is continuing and reserves the right to amend his answer.

4 **RESPONSE TO FORM INTERROGATORY NO. 7.1**

5 No. Discovery is continuing and reserves the right to amend his answer.

6 **RESPONSE TO FORM INTERROGATORY NO. 7.2**

7 No. Discovery is continuing and reserves the right to amend his answer.

8 **RESPONSE TO FORM INTERROGATORY NO. 7.3**

9 N/A.

10 **RESPONSE TO FORM INTERROGATORY NO. 8.1**

11 Yes.

12 **RESPONSE TO FORM INTERROGATORY NO. 8.2**

13 a) Plaintiff was responsible for the individual and joint examination of all types of
14 California regulated licenses including state chartered banks, trust companies,
15 transmitters of money abroad, payment instrument licensees, processing of regulatory
16 applications and numerous other regulatory duties as required.

17 b) Senior Financial Institutions Examiner

18 c) Employment began February 2, 1982.

19 **RESPONSE TO FORM INTERROGATORY NO. 8.3**

20 Plaintiff has worked continuously for compensation since his start date.

21 **RESPONSE TO FORM INTERROGATORY NO. 8.4**

22 \$7,097/month at the time of incident, currently at \$6,200/month due to state furloughs.

23 **RESPONSE TO FORM INTERROGATORY NO. 8.5**

24 Plaintiff continuously reported to work despite any incidents that took place.

25 **RESPONSE TO FORM INTERROGATORY NO. 8.6**

26 Plaintiff's lost income is not attributed to dates not worked, but to the loss of income he would
27 have received had he not been denied a promotion for illegal reasons.
28

1 RESPONSE TO FORM INTERROGATORY NO. 8.7

2 \$8,400.00. Approximate amount of lost income is calculated from the date of the February 1,
3 2009 FIM Management Promotional opportunity in Sacramento to the present day. There exists
4 an approximate 10% differential in salary, which amounts to approximately \$700/month.

5 RESPONSE TO FORM INTERROGATORY NO. 8.8

6 Yes.

- 7 a) Lost pension benefits in the state pension, Public Employment Retirement System, is
8 partially calculated based upon the highest salary earned in any given year. In addition,
9 lost monthly income of approximately \$700/month, which would have been the amount
10 of additional income per month if I had been promoted last February 2009, or earlier.
- 11 b) \$92,000 in lost salary, \$462,000 in lost retirement.
- 12 c) Not applicable.
- 13 d) Lost salary and retirement were calculated between now and projected retirement age of
14 65. If the retirement benefit is to continue for 50 years (Plaintiff's wife is 34 years old),
15 the lost retirement would be approximately \$462,000. Formula used is 50 years
16 multiplied by \$770/month multiplied by 12. At age 65, Plaintiff's pension would be
17 110% of the highest annual salary, which is where the \$770 amount is calculated. The
18 lost salary would approximately be \$92,400 for 11 more years of employment at
19 \$700/month.

20 RESPONSE TO FORM INTERROGATORY NO. 9.1

21 No. Discovery is continuing and reserves the right to amend his answer.

22 RESPONSE TO FORM INTERROGATORY NO. 9.2

23 N/A.

24 RESPONSE TO FORM INTERROGATORY NO. 10.1

25 No. Discovery is continuing and reserves the right to amend his answer.

26
27 RESPONSE TO FORM INTERROGATORY NO. 10.2

1 Plaintiff had no physical, mental or emotional disabilities immediately before the incident.

2 Discovery is continuing and Plaintiff reserves the right to amend his response.

3 **RESPONSE TO FORM INTERROGATORY NO. 10.3**

4 No. Discovery is continuing and Plaintiff reserves the right to amend his answer.

5 **RESPONSE TO FORM INTERROGATORY NO. 11.1**

6 Yes.

7 a) Claim #1: 2008, time unknown, San Francisco Airport, San Francisco, California.

8 Claim #2: October 15, 1999, time unknown, Sacramento, CA, address unknown.

9 b) Claim #1: Super Shuttle, contact information unknown.

10 Claim #2: State of California employee.

11 c) Claim #1: San Diego Small Claims Court, case number unknown.

12 Claim #2: Sacramento Superior Court, Case No. 97AM02293.

13 d) Claim #1: Self represented.

14 Claim #2: Patrick Scott, Sacramento, CA.

15 e) Claim #1: Resolved.

16 Claim #2: settled.

17 f) Claim #1: Head injury incurred while exiting a Super Shuttle, stitches required on top of
18 Plaintiff's head.

19 Claim #2: Neck injury from rear-end car accident.

20 Discovery is continuing and Plaintiff reserves the right to amend his response.

21 **RESPONSE TO FORM INTERROGATORY NO. 11.2**

22 No. Discovery is continuing and Plaintiff reserves the right to amend his response.

23 **RESPONSE TO FORM INTERROGATORY NO. 12.1**

24 a) Jenny Wong, Susie Hseh, Anne Jordan, Patrick Lum, Shereta Alexander, Bill Schott,
25 Rosalyn Tomaszewski. Personal addresses unknown, all individuals are employees of
26
27
28

1 the Department of Financial Institutions and should be able to be contacted through
2 Defendant's office.

3 b) Patrick Lum, Rosalyn Tomaszewski. Personal addresses unknown, all individuals are
4 employees of the Department of Financial Institutions and should be able to be contacted
5 through Defendant's office.

6 c) No individuals heard any statements made about the incident by any individual at the
7 scene.

8 d) There are no additional individuals who have knowledge of the incident.

9 Discovery is continuing and Plaintiff reserves the right to amend his answer.

10 **RESPONSE TO FORM INTERROGATORY NO. 12.2**

11 No. Discovery is continuing and Plaintiff reserves the right to amend his response.

12 **RESPONSE TO FORM INTERROGATORY NO. 12.3**

13 Yes.

14 a) Patrick Lum, address unknown, (916) 323-7013; Rosalyn Tomaszewski (619) 861-2738

15 b) Department of Financial Institutions Employee in Sacramento Office, name unknown.

16 c) On or about 2008.

17 d) Patrick Lum, address unknown, (916) 323-7013, Rosalyn Tomaszewski (619) 861-2738.

18 Discovery is continuing and Plaintiff reserves the right to amend his response.

19 **RESPONSE TO FORM INTERROGATORY NO. 12.4**

20 No. Discovery is continuing and Plaintiff reserves the right to amend his response.

21 **RESPONSE TO FORM INTERROGATORY NO. 12.5**

22 No. Discovery is continuing and Plaintiff reserves the right to amend his answer.

23 **RESPONSE TO FORM INTERROGATORY NO. 12.6**

24 Yes.

25 a) Plaintiff, Senior Examiner, Department of Financial Institutions, Donald Lake, PO Box
26 180699, Coronado, CA 92178; Senior Financial Institutions Examiner Rosalyn
27
28

1 Tomaszewski, Department of Financial Institutions, 7575 Metropolitan Drive, San Diego,
2 CA; Senior Financial Institutions Examiner Patrick Lum, Department of Financial
3 Institutions, 1810 13th St., Sacramento, CA.

- 4 b) May 6, 2005: Report made to Deputy Commissioner Robert Venchiarutti in the form of
5 a written memo from Senior Examiners Donald Lake, Patrick Lum, and Rosalyn
6 Tomaszewski; October 11, 2007: Report made to former Personnel Manager Shereta
7 Alexander in the form of an Informal Discrimination Complaint and Workplace Violence
8 Complaint from Donald Lake; on or about October 2005 and November 2005: report
9 made to DFI Human Resources Specialist Anne Jordan: various email submissions and
10 documentation concerning alleged discrimination, workplace violence and bullying from
11 Donald Lake. Hostile Work Environment complaint dated November of 2007.
- 12 c) May 6, 2005 report: Robert Venchiarutti, Department of Financial Institutions, 45
13 Fremont St. San Francisco, CA (415) 263-8511; October 11, 2007 report: Shereta
14 Alexander, Department of Financial Institutions, 1810 13th St, Sacramento, CA; October
15 and November 2005 reports: Anne Jordan, 1810 13th St. Sacramento, CA.
- 16 d) Robert Venchiarutti, Department of Financial Institutions, 45 Fremont St. San Francisco,
17 CA (415) 263-8511; Shereta Alexander, Department of Financial Institutions, 1810 13th
18 St, Sacramento, CA; Anne Jordan, 1810 13th St. Sacramento, CA.

19 Discovery is continuing and Plaintiff reserves the right to amend his response.

20 **RESPONSE TO FORM INTERROGATORY NO. 12.7**

21 No. Discovery is continuing and Plaintiff reserves the right to amend his response.

22 **RESPONSE TO FORM INTERROGATORY NO. 13.1**

23 No. Discovery is continuing and Plaintiff reserves the right to amend his response.

24 **RESPONSE TO FORM INTERROGATORY NO. 13.2**

25 Not applicable.

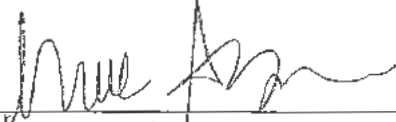
1 RESPONSE TO FORM INTERROGATORY NO. 14.1

2 a) Yes. Julio Prado, Robert Venchiarutti, Department of Financial Institutions, 45 Fremont
3 St. San Francisco, CA (415) 263-8511. Violations of Title VII of the United States Code,
4 Age Discrimination Act and California Government Code Section 12900 et. seq.
5

6 RESPONSE TO FORM INTERROGATORY NO. 14.2

7
8 No. Discovery is continuing and Plaintiff reserves the right to amend his response.

9
10 Dated: 2-9-10

11 
12 _____
13 Nicole A. Silveira, Esq.
14 Attorney For Plaintiff
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1 Daniel Kodam, Esq. (SBN 190703)
KODAM & ASSOCIATES, PC
2 41880 Kalmia Street, Suite 130
Murrieta, CA 92562
3 Phone: 951-445-4905
Facsimile: 951-445-4906

4 Attorney for Plaintiff
5
6
7

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
9 CENTRAL JUDICIAL DISTRICT

10 Donald Lake,

11 Plaintiff,

12 v.

13 State Personnel Board,

14 Defendant,

15 California Department of Financial Institutions,
16 Julio Prada, an individual; Robert Venchiarutti,
and individual; and Does 1 – 32,

17 Real Party in Interest and Defendant.
18

Case No.: 37-2009-00102604-CU-OE-CTL

PLAINTIFF'S RESPONSES TO
DEFENDANT'S SPECIAL
INTERROGATORIES—SET ONE

19 PROPOUNDING PARTY: Defendant, CALIFORNIA DEPT. OF FINANCIAL
20 INSTITUTIONS

21 RESPONDING PARTY: Plaintiff, DONALD LAKE

22 SET NO: One

23 TO DEFENDANT AND THEIR ATTORNEY OF RECORD HEREIN:

24 Pursuant to Code of Civil Procedure Section 2030, Plaintiff hereby responds to
25 Defendant. DEPARTMENT OF FINANCIAL INSTITUTIONS. First Set of Special
26 Interrogatories as follows:
27
28

1 Please note that this responding party has not completed the discovery in this action and
2 has not fully completed preparation for trial. All of the responses contained herein are based
3 only on the information and documents, which are presently available, and specifically known to
4 this responding party as of the date of these responses, and disclose only those contentions,
5 which presently are apparent to this responding party. It is anticipated that further discovery,
6 investigation, research and analysis could yield additional factual evidence, or change the
7 meaning and theory of the facts and conclusions developed heretofore, all of which may
8 substantially affect contentions set forth herein.
9

10 These interrogatory responses are given without prejudice to responding party's right to
11 produce evidence of subsequently discovered facts learned after the date hereof, or which this
12 responding party may later recall. Responding party accordingly reserves the right to change any
13 and all answers herein as additional facts are ascertained, analyses are made, legal research is
14 completed and contentions are made. Accordingly, responding party shall amend their responses,
15 if necessary, in order to comply with the defendant's discovery request. The responses contained
16 herein are made in good faith effort to supply as much information, which is presently known.
17 These responses should no way prejudice the plaintiff in relation to further discovery,
18 investigation, research or analysis.
19

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 1**
21

22 Plaintiff personally witnessed severe harassment and apparent discrimination by Julio Prada
23 against Rosalyn Tomaszewski from approximately 2004 through approximately 2006 and against
24 John Rockwell on or about 2004. Mr. Prada's discriminatory behavior continued until each left
25 the Transmitter Money Abroad ("TMA") Division. Mr. Prada's behavior consisted of yelling,
26 verbal threats and highly critical and demeaning emails. Each of Mr. Prada's acts resulted in
27 substantial disruption in the quality of the work environment, and severe emotional harm to the
28

1 parties involved. This adversely impacted me in that I was in constant fear of the terrifying
2 behavior of the same manager.

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 2**

4 Anne Jordon, Investigator of Complaints, 2007 – 2008, Department of Financial Institutions,
5 Sacramento Office; Alicia Adoc, Former Manager of the San Francisco Office of the Department
6 of Financial Institutions; Craig Carlson, Chief Examiner, San Diego Office of the Department of
7 Financial Institutions; Rina Zepeda, Executive Secretary, San Diego Office of the Department of
8 Financial Institutions; Susie Hseh, Former Examiner, San Diego Office of the Department of
9 Financial Institutions; Bill Schott, Manager, San Diego Office of the Department of Financial
10 Institutions; Shereta Alexander, Former Personnel Officer, Sacramento Office of the Department
11 of Financial Institutions; Patrick Lum, Retired Annuitant/Former Manager, Sacramento Office of
12 the Department of Financial Institutions; Rosalyn Tomaszewski, Senior Examiner, Sacramento
13 Office of the Department of Financial Institutions; John Rockwell, Former Examiner, San
14 Francisco Office of the Department of Financial Institutions; Arlene Rutherford, Former TMA
15 Manager, Department of Financial Institutions.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 3**

17 Retaliation and harassment in response to Plaintiff filing Discrimination complaints; loss of
18 telework opportunities; harassment and denial concerning sick leave, CTO and training requests
19 primarily in or about 2007 and 2008; constant bullying, relentless micromanagement and
20 admonishment in person and over the telephone for virtually every aspect of examination process
21 from 2005 – 2008; demanding constant and immediate whereabouts on or about middle of 2007;
22 false allegation of drug use by Julio Prada during the early 2007 while in the presence of other
23 employees; disclosure of confidential information to non-authorized party (specifically issuance
24 of sick leave in or about 2007); apparent intentional violation of workplace violence policy
25
26
27
28

1 concerning aggressive behavior, disruption, frightening, harassment, intimidation and threats;
2 poor Individual Development Plan ("IDP") on or about March 2008 as a result of filing
3 complaints in or about late 2007; being removed from field examination process in or about May
4 of 2009 and relegated to processing new TMA license applications beginning on or about 2009
5 through present; loss of at least five promotional opportunities on or about 2008 through 2009
6 which were the result of Plaintiff filing complaints; the refusal in or about 2008 of the
7 Leadership Challenge Program despite requests.
8

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 4**

10 At least two examiners have been promoted in 2009 that were under the age of 40 and had
11 substantially less academic achievement, employment experience, banking background and
12 overall leadership background. These individuals were Chris Eaton and Aaron Prosperi.
13

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 5**

15 Patrick Lum, Rosalyn Tomaszewski, Anne Jordon, Rina Zepeda, Bill Schott, Shereta Alexander,
16 John Rockwell, Jenny Wong, Susie Hseh, and Steve Herrick.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 6**

18 Retaliation and harassment in response to Plaintiff filing Discrimination complaints; loss of
19 telework opportunities; harassment and denial concerning sick leave, CTO and training requests
20 primarily in or about 2007 and 2008; constant bullying, relentless micromanagement and
21 admonishment in person and over the telephone for virtually every aspect of examination process
22 from 2005 2008; demanding constant and immediate whereabouts on or about middle of 2007;
23 false allegation of drug use by Julio Prada during the early 2007 while in the presence of other
24 employees; disclosure of confidential information to non-authorized party (specifically issuance
25 of sick leave in or about 2007); apparent intentional violation of workplace violence policy
26 concerning aggressive behavior, disruption, frightening, harassment, intimidation and threats;
27
28

1 poor IDP on or about March 2008 as a result of filing complaints in or about late 2007; being
2 removed from field examination process in or about May of 2009 and relegated to processing
3 new TMA license applications beginning on or about 2009 through present; loss of at least five
4 promotional opportunities on or about 2008 through 2009 which were the result of Plaintiff filing
5 complaints; the refusal in or about 2008 of the Leadership Challenge Program despite requests.
6
7 At least two examiners have been promoted in 2009 that were under the age of 40 and had
8 substantially less academic achievement, employment experience, banking background and
9 overall leadership background. These individuals were Chris Eaton and Aaron Prosperi.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 7**

11 Patrick Lum, Rosalyn Tomaszewski, Anne Jordon, Rina Zepeda, Bill Schott, Shereta Alexander,
12 John Rockwell, Jenny Wong, Susie Hseh, and Steve Herrick.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 8**

14 Internal DFI Investigation dated September 2008 concerning the alleged workplace
15 violence/discrimination Julio Prada against Donald Lake, as performed by DFI Investigator Anne
16 Jordan, however copy not released to Plaintiff despite numerous requests; 2005 and 2008
17 IDP/performance reports.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 9**

19 Julio Prada showed favoritism toward both Yolanda Torres and Jeanette Barraza, both Hispanic
20 employees. Following Jeanette Barraza's transfer to DFI, she was given preferential treatment,
21 such as: flexible work hours, sick leave at anytime, and opportunity to create her own work
22 schedule. Plaintiff was substantially more qualified and had worked at the Department of
23 Financial Institutions longer than Ms. Barraza, yet she received a promotion over Plaintiff, who
24 was a white male. After her promotion, Ms. Barraza herself became very hostile toward all non-
25 Hispanic employees. This hostility was done by both Ms. Barraza and Mr. Prada in the form of
26 threatening emails, phone calls and unnecessary admonishments. Ms. Torres stated to Plaintiff
27 that she felt she received special treatment because of her race from both Jeanette Barraza and
28

1 Julio Prada. Ms. Torres also stated that she felt there was poor treatment of non-Hispanic
2 employees in the Money Transmitter Division from 2006 through 2008. Yolanda Torres was
3 additionally given an award for a job that she did not even work on. Plaintiff has never been
4 recognized for any award while working under Julio Prada, despite his qualifications.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 10**

6 Patrick Lum, Rosalyn Tomaszewski, Anne Jordon, Rina Zepeda, Bill Schott, Shereta Alexander,
7 John Rockwell, Jenny Wong, Susie Hseh, and Steve Herrick.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 11**

9 Plaintiff has provided documentation in compliance with the request in the Production of
10 Documents. Discovery is continuing and Plaintiff reserves the right to amend his response.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 12**

12 On or about May 6, 2005, Plaintiff filed a complaint letter with Robert Venchiarutti concerning
13 Julio Prada. In or about October of 2007, Plaintiff filed the Informal Discrimination and
14 Workplace violence complaint. Plaintiff also filed complaints with the State Personnel Board,
15 Department of Fair Employment and the Equal Employment Opportunity Commission.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 13**

17 On or about May 6, 2005, Plaintiff filed a complaint letter with Robert Venchiarutti regarding
18 Julio Prada. Prior to filing the complaint, Plaintiff was given an Excellent IDP by Julio Prada on
19 or about February 9, 2005. Following the filing of the complaint, Plaintiff was told by Robert
20 Venchiarutti that he would not be considered for the upcoming Supervisor opening in mid 2006,
21 despite the fact that Plaintiff was ranked #1 on the eligibility list at the time and had almost 23
22 years of experience at the Department of Financial Institutions. Shortly after filing the Informal
23 Discrimination and Workplace violence complaints in or about October of 2007, he was given
24 his very first substandard IDP in his career by Julio Prada in or about March of 2008. Robert
25 Venchiarutti twice threatened Plaintiff with termination if he continued to complain about Julio
26 Prada, this occurred once in Mr. Venchiarutti's office in or about Mid 2006, and once telephone,
27 in or about late 2006.
28

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 14**

2 Denial of promotions, harassment and threats of termination.

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 15**

4 Prior to Plaintiff's complaint, he received excellent evaluations, it was only after his filing that
5 he was subject to a substandard score on his evaluation. Robert Venchiarutti also specifically
6 stated that Plaintiff would be terminated if he continued to issue complaints, specifically
7 acknowledging that he was retaliating against Plaintiff for exercising his right to voice
8 complaints.
9

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 16**

11 Patrick Lum, Rosalyn Tomaszewski, Anne Jordon, Rina Zepeda, Bill Schott, Shereta Alexander,
12 John Rockwell, Jenny Wong, Susie Hseh, and Steve Herrick.
13

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 17**

15 Individual Development Plan's dated March 2005 and March 2008. On or about May 6, 2005,
16 Plaintiff filed a complaint letter with Robert Venchiarutti concerning Julio Prada. In or about
17 October of 2007, Plaintiff filed the Informal Discrimination and Workplace violence complaint.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 18**

19 Julio Prada showed favoritism toward both Yolanda Torres and Jeanette Barraza, both Hispanic
20 employees. Following Jeanette Barraza's transfer to DFI, she was given preferential treatment,
21 such as: flexible work hours, sick leave at anytime, and opportunity to create her own work
22 schedule. Plaintiff was substantially more qualified and had worked at the Department of
23 Financial Institutions longer than Ms. Barraza, yet she received a promotion over Plaintiff, who
24 was a white male. After her promotion, Ms. Barraza herself became very hostile toward all non-
25 Hispanic employees. This hostility was done by both Ms. Barraza and Mr. Prada in the form of
26 threatening emails, phone calls and unnecessary admonishments. Ms. Torres stated to Plaintiff
27 that she felt she received special treatment because of her race from both Jeanette Barraza and
28

1 Julio Prada. Ms. Torres also stated that she felt there was poor treatment of non-Hispanic
2 employees in the Money Transmitter Division from 2006 through 2008. Yolanda Torres was
3 additionally given an award for a job that she did not even work on. Plaintiff has never been
4 recognized for any award while working under Julio Prada, despite his qualifications.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 19**

6 Jenny Wong, Susie Hseh, Patrick Lum and Anne Jordan.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 20**

8 Plaintiff has provided documentation in compliance with the request within the Production of
9 Documents. Discovery is continuing and Plaintiff reserves the right to amend his response.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 21**

11 Yes.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 22**

13 Plaintiff possesses more educational background, employment experience, related banking
14 experience, military service and leadership experience than the named promoted employees in
15 2008 and 2009: Carol Rhyne, Aaron Prosperi, Chris Eaton, and Rick Posey.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 23**

17 Patrick Lum, Rosalyn Tomaszewski, Anne Jordan, Rina Zepeda, Bill Schott, Shereta Alexander,
18 Jenny Wong and Craig Carlson.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 24**

20 Graduation certificates showing proof of Masters of Business Administration and Graduate
21 School of Banking Degree of University of Wisconsin-Madison; Certified Examiner in Charge
22 Certificate; Department Volunteer Recognition; Disability Advisory Committee and Strategic
23 Planning Committee.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 25**

25 Plaintiff does not have specific knowledge of other employees backgrounds who were promoted,
26 but he is one of the most senior examiners in the department with the most educational
27
28

1 background as was told to him by former Department of Financial Institutions Personnel Officer
2 Robbin Kleinsorge (retired 2007).

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 26**

4 Rosalyn Tomaszewski, Patrick Lum, Jenny Wong, Bill Schott, Craig Carlson.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 27**

6
7 Graduation certificates showing proof of Masters of Business Administration and Graduate
8 School of Banking Degree of University of Wisconsin-Madison; Certified Examiner in Charge
9 Certificate; Department Volunteer Recognition; Disability Advisory Committee and Strategic
10 Planning Committee.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 28**

12 During Plaintiff's most recent interview in late 2009 in San Diego, he was made aware that he
13 had no chance for promotion and was being placed on promotion. Shortly after one of Plaintiff's
14 promotional interviews in late 2009, he was advised per a telephone message from Deputy
15 Commissioner Scott Cameron in Sacramento that he was not being promoted. Instead, a junior
16 examiner, Chris Eaton would be promoted. Plaintiff was also notified by Mr. Cameron that it
17 would difficult for Mr. Lake to be promoted in the future.
18

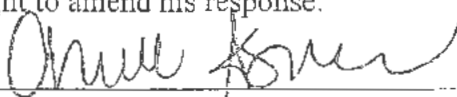
19 **RESPONSE TO SPECIAL INTERROGATORY NO. 29**

20 Rosalyn Tomaszewski, Patrick Lum, Jenny Wong, Bill Schott, Craig Carlson.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 30**

22 Plaintiff is not aware of any documentation that exists to support this contention. Discovery is
23 continuing and Plaintiff reserves the right to amend his response.
24

25 Dated: 2-9-10

26 
Nicole A. Silveira, Esq.
Daniel Kodam, Esq.
Attorney For Plaintiff
27
28

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

KODAM & ASSOCIATES, PC
 Nicole A. Silveira, Esq. (256782)
 41880 Kalmia St. Ste 130
 Murrieta, CA 92562

TELEPHONE NO.: (951) 445-4905

FAX NO. (Optional): (951) 445-4906

E-MAIL ADDRESS (Optional): nicoles@kodamlaw.com

ATTORNEY FOR (Name): Donald Lake

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego

330 W. Broadway
 San Diego, CA 92101

SHORT TITLE:

Lake v. Department of Financial Institutions

FORM INTERROGATORIES – EMPLOYMENT LAW

Asking Party: Plaintiff, Donald Lake

Answering Party: Defendant, Department of Financial Institutions

Set No.: 1

CASE NUMBER:

37-2009-00102604-CU-OE-CTL

Sec. 1. Instructions to All Parties

- (a) Interrogatories are written questions prepared by a party to an action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use in employment cases.
- (b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010–2030.410 and the cases construing those sections.
- (c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or make any objection.

Sec. 2. Instructions to the Asking Party

- (a) These form interrogatories are designed for optional use by parties in employment cases. (Separate sets of interrogatories, *Form Interrogatories—General* (form DISC-001) and *Form Interrogatories—Limited Civil Cases (Economic Litigation)* (form DISC-004) may also be used where applicable in employment cases.)
- (b) Insert the names of the **EMPLOYEE** and **EMPLOYER** to whom these interrogatories apply in the definitions in sections 4(d) and (e) below.
- (c) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those interrogatories that are applicable to the case.
- (d) The interrogatories in section 211.0, Loss of Income Interrogatories to Employer, should not be used until the employer has had a reasonable opportunity to conduct an investigation or discovery of the employee's injuries and damages.
- (e) Additional interrogatories may be attached.

- (c) Each answer must be as complete and straightforward as the information reasonably available to you permits. If an interrogatory cannot be answered completely, answer it to the extent possible.
- (d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.
- (e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.
- (f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.
- (g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.
- (h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.

(DATE)

(SIGNATURE)

Sec. 3. Instructions to the Answering Party

- (a) You must answer or provide another appropriate response to each interrogatory that has been checked below.
- (b) As a general rule, within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared. See Code of Civil Procedure sections 2030.260–2030.270 for details.

Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

- (a) **PERSON** includes a natural person, firm, association, organization, partnership, business, trust, limited liability company, corporation, or public entity.

- (b) **YOU OR ANYONE ACTING ON YOUR BEHALF** includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.
- (c) **EMPLOYMENT** means a relationship in which an **EMPLOYEE** provides services requested by or on behalf of an **EMPLOYER**, other than an independent contractor relationship.
- (d) **EMPLOYEE** means a **PERSON** who provides services in an **EMPLOYMENT** relationship and who is a party to this lawsuit. For purposes of these interrogatories, **EMPLOYEE** refers to *(insert name)*:

(If no name is inserted, EMPLOYEE means all such PERSONS.)

- (e) **EMPLOYER** means a **PERSON** who employs an **EMPLOYEE** to provide services in an **EMPLOYMENT** relationship and who is a party to this lawsuit. For purposes of these interrogatories, **EMPLOYER** refers to *(insert name)*:

(If no name is inserted, EMPLOYER means all such PERSONS.)

- (f) **ADVERSE EMPLOYMENT ACTION** means any **TERMINATION**, suspension, demotion, reprimand, loss of pay, failure or refusal to hire, failure or refusal to promote, or other action or failure to act that adversely affects the **EMPLOYEE'S** rights or interests and which is alleged in the **PLEADINGS**.
- (g) **TERMINATION** means the actual or constructive termination of employment and includes a discharge, firing, layoff, resignation, or completion of the term of the employment agreement.
- (h) **PUBLISH** means to communicate orally or in writing to anyone other than the plaintiff. This includes communications by one of the defendant's employees to others. *(Kelly v. General Telephone Co. (1982) 136 Cal.App.3d 278, 284.)*
- (i) **PLEADINGS** means the original or most recent amended version of any complaint, answer, cross-complaint, or answer to cross-complaint.
- (j) **BENEFIT** means any benefit from an **EMPLOYER**, including an "employee welfare benefit plan" or employee pension benefit plan" within the meaning of Title 29 United States Code section 1002(1) or (2) or ERISA.
- (k) **HEALTH CARE PROVIDER** includes any **PERSON** referred to in Code of Civil Procedure section 667.7(e)(3).
- (l) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, electronically stored information, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.
- (m) **ADDRESS** means the street address, including the city, state, and zip code.

Sec. 5. Interrogatories

The following interrogatories for employment law cases have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

CONTENTS

- 200.0 Contract Formation
- 201.0 Adverse Employment Action
- 202.0 Discrimination Interrogatories to Employee
- 203.0 Harassment Interrogatories to Employee
- 204.0 Disability Discrimination
- 205.0 Discharge in Violation of Public Policy
- 206.0 Defamation
- 207.0 Internal Complaints
- 208.0 Governmental Complaints
- 209.0 Other Employment Claims by Employee or Against Employer
- 210.0 Loss of income Interrogatories to Employee
- 211.0 Loss of income Interrogatories to Employer
- 212.0 Physical, Mental, or Emotional Injuries—Interrogatories to Employee
- 213.0 Other Damages Interrogatories to Employee
- 214.0 Insurance
- 215.0 Investigation
- 216.0 Denials and Special or Affirmative Defenses
- 217.0 Response to Request for Admissions

200.0 Contract Formation

- ☒ 200.1 Do you contend that the **EMPLOYMENT** relationship was at "at will"? If so:
- (a) state all facts upon which you base this contention;
 - (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of those facts; and
 - (c) identify all **DOCUMENTS** that support your contention.
- ☒ 200.2 Do you contend that the **EMPLOYMENT** relationship was not "at will"? If so:
- (a) state all facts upon which you base this contention;
 - (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of those facts; and
 - (c) identify all **DOCUMENTS** that support your contention.
- ☒ 200.3 Do you contend that the **EMPLOYMENT** relationship was governed by any agreement—written, oral, or implied? If so:
- (a) state all facts upon which you base this contention;
 - (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of those facts; and
 - (c) identify all **DOCUMENTS** that support your contention.

☒ 200.4 Was any part of the parties' **EMPLOYMENT** relationship governed in whole or in part by any written rules, guidelines, policies, or procedures established by the **EMPLOYER**? If so, for each **DOCUMENT** containing the written rules, guidelines, policies, or procedures:

- (a) state the date and title of the **DOCUMENT** and a general description of its contents;
- (b) state the manner in which the **DOCUMENT** was communicated to employees; and
- (c) state the manner, if any, in which employees acknowledged either receipt of the **DOCUMENT** or knowledge of its contents.

☒ 200.5 Was any part of the parties' **EMPLOYMENT** relationship covered by one or more collective bargaining agreements or memorandums of understanding between the **EMPLOYER** (or an association of employers) and any labor union or employee association? If so, for each collective bargaining agreement or memorandum of understanding, state:

- (a) the names and **ADDRESSES** of the parties to the collective bargaining agreement or memorandum of understanding;
- (b) the beginning and ending dates, if applicable, of the collective bargaining agreement or memorandum of understanding; and
- (c) which parts of the collective bargaining agreement or memorandum of understanding, if any, govern (1) any dispute or claim referred to in the **PLEADINGS** and (2) the rules or procedures for resolving any dispute or claim referred to in the **PLEADINGS**.

☒ 200.6 Do you contend that the **EMPLOYEE** and the **EMPLOYER** were in a business relationship other than an **EMPLOYMENT** relationship? If so, for each relationship:

- (a) state the names of the parties to the relationship;
- (b) identify the relationship; and
- (c) state all facts upon which you base your contention that the parties were in a relationship other than an **EMPLOYMENT** relationship.

201.0 Adverse Employment Action

☒ 201.1 Was the **EMPLOYEE** involved in a **TERMINATION**? If so:

- (a) state all reasons for the **EMPLOYEE'S** **TERMINATION**;
- (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who participated in the **TERMINATION** decision;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who provided any information relied upon in the **TERMINATION** decision; and
- (d) identify all **DOCUMENTS** relied upon in the **TERMINATION** decision

☐ 201.2 Are there any facts that would support the **EMPLOYEE'S TERMINATION** that were first discovered after the **TERMINATION**? If so:

- (a) state the specific facts;
- (b) state when and how **EMPLOYER** first learned of each specific fact;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of the specific facts; and
- (d) identify all **DOCUMENTS** that evidence these specific facts.

☒ 201.3 Were there any other **ADVERSE EMPLOYMENT ACTIONS**, including (the asking party should list the **ADVERSE EMPLOYMENT ACTIONS**):

If so, for each action, provide the following:

- (a) all reasons for each **ADVERSE EMPLOYMENT ACTION**;
- (b) the name, **ADDRESS**, and telephone number of each **PERSON** who participated in making each **ADVERSE EMPLOYMENT ACTION** decision;
- (c) the name, **ADDRESS**, and telephone number of each **PERSON** who provided any information relied upon in making each **ADVERSE EMPLOYMENT ACTION** decision; and
- (d) the identity of all **DOCUMENTS** relied upon in making each **ADVERSE EMPLOYMENT ACTION** decision.

☒ 201.4 Was the **TERMINATION** or any other **ADVERSE EMPLOYMENT ACTIONS** referred to in Interrogatories 201.1 through 201.3 based in whole or in part on the **EMPLOYEE'S** job performance? If so, for each action:

- (a) identify the **ADVERSE EMPLOYMENT ACTION**;
- (b) identify the **EMPLOYEE'S** specific job performance that played a role in that **ADVERSE EMPLOYMENT ACTION**;
- (c) identify any rules, guidelines, policies, or procedures that were used to evaluate the **EMPLOYEE'S** specific job performance;
- (d) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who had responsibility for evaluating the specific job performance of the **EMPLOYEE**;
- (e) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the **EMPLOYEE'S** specific job performance that played a role in that **ADVERSE EMPLOYMENT ACTION**; and
- (f) describe all warnings given with respect to the **EMPLOYEE'S** specific job performance.

☐ 201.5 Was any PERSON hired to replace the EMPLOYEE after the EMPLOYEE'S TERMINATION or demotion? If so, state the PERSON'S name, job title, qualifications, ADDRESS and telephone number, and the date the PERSON was hired.

☐ 201.6 Has any PERSON performed any of the EMPLOYEE'S former job duties after the EMPLOYEE'S TERMINATION or demotion? If so:

- (a) state the PERSON'S name, job title, ADDRESS, and telephone number;
- (b) identify the duties; and
- (c) state the date on which the PERSON started to perform the duties.

☒ 201.7 If the ADVERSE EMPLOYMENT ACTION involved the failure or refusal to select the EMPLOYEE (for example, for hire, promotion, transfer, or training), was any other PERSON selected instead? If so, for each ADVERSE EMPLOYMENT ACTION, state the name, ADDRESS, and telephone number of each PERSON selected; the date the PERSON was selected; and the reason the PERSON was selected instead of the EMPLOYEE.

202.0 Discrimination—Interrogatories to Employee

☐ 202.1 Do you contend that any ADVERSE EMPLOYMENT ACTIONS against you were discriminatory? If so:

- (a) identify each ADVERSE EMPLOYMENT ACTION that involved unlawful discrimination;
- (b) identify each characteristic (for example, gender, race, age, etc.) on which you base your claim or claims of discrimination;
- (c) state all facts upon which you base each claim of discrimination;
- (d) state the name, ADDRESS, and telephone number of each PERSON with knowledge of those facts; and
- (e) identify all DOCUMENTS evidencing those facts.

☐ 202.2 State all facts upon which you base your contention that you were qualified to perform any job which you contend was denied to you on account of unlawful discrimination.

203.0 Harassment—Interrogatories to Employee

☐ 203.1 Do you contend that you were unlawfully harassed in your employment? If so:

- (a) state the name, ADDRESS, telephone number, and employment position of each PERSON whom you contend harassed you;
- (b) for each PERSON whom you contend harassed you, describe the harassment;

- (c) identify each characteristic (for example, gender, race, age, etc.) on which you base your claim of harassment;
- (d) state all facts upon which you base your contention that you were unlawfully harassed;
- (e) state the name, ADDRESS, and telephone number of each PERSON with knowledge of those facts; and
- (f) identify all DOCUMENTS evidencing those facts.

204.0 Disability Discrimination

☐ 204.1 Name and describe each disability alleged in the PLEADINGS.

☐ 204.2 Does the EMPLOYEE allege any injury or illness that arose out of or in the course of EMPLOYMENT? If so, state:

- (a) the nature of such injury or illness;
- (b) how such injury or illness occurred;
- (c) the date on which such injury or illness occurred;
- (d) whether EMPLOYEE has filed a workers' compensation claim. If so, state the date and outcome of the claim; and
- (e) whether EMPLOYEE has filed or applied for disability benefits of any type. If so, state the date, identify the nature of the benefits applied for, and the outcome of any such application.

☐ 204.3 Were there any communications between the EMPLOYEE (or the EMPLOYEE'S HEALTH CARE PROVIDER) and the EMPLOYER about the type or extent of any disability of EMPLOYEE? If so:

- (a) state the name, ADDRESS, and telephone number of each person who made or received the communications;
- (b) state the name, ADDRESS, and telephone number of each PERSON who witnessed the communications;
- (c) describe the date and substance of the communications; and
- (d) identify each DOCUMENT that refers to the communications.

☐ 204.4 Did the EMPLOYER have any information about the type, existence, or extent of any disability of EMPLOYEE other than from communications with the EMPLOYEE or the EMPLOYEE'S HEALTH CARE PROVIDER? If so, state the sources and substance of that information and the name, ADDRESS, and telephone number of each PERSON who provided or received the information.

☐ 204.5 Did the EMPLOYEE need any accommodation to perform any function of the EMPLOYEE'S job position or need a transfer to another position as an accommodation? If so, describe the accommodations needed.

☐ 204.6 Were there any communications between the **EMPLOYEE** (or the **EMPLOYEE'S HEALTH CARE PROVIDER**) and the **EMPLOYER** about any possible accommodation of **EMPLOYEE**? If so, for each communication:

- (a) state the name, **ADDRESS**, and telephone number of each **PERSON** who made or received the communication;
- (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who witnessed the communication;
- (c) describe the date and substance of the communication; and
- (d) identify each **DOCUMENT** that refers to the communication.

☐ 204.7 What did the **EMPLOYER** consider doing to accommodate the **EMPLOYEE**? For each accommodation considered:

- (a) describe the accommodation considered;
- (b) state whether the accommodation was offered to the **EMPLOYEE**;
- (c) state the **EMPLOYEE'S** response; or
- (d) if the accommodation was not offered, state all the reasons why this decision was made;
- (e) state the name, **ADDRESS**, and telephone number of each **PERSON** who on behalf of **EMPLOYER** made any decision about what accommodations, if any, to make for the **EMPLOYEE**; and
- (f) state the name, **ADDRESS**, and telephone number of each **PERSON** who on behalf of the **EMPLOYER** made or received any communications about what accommodations, if any, to make for the **EMPLOYEE**.

205.0 Discharge in Violation of Public Policy

☐ 205.1 Do you contend that the **EMPLOYER** took any **ADVERSE EMPLOYMENT ACTION** against you in violation of public policy? If so:

- (a) identify the constitutional provision, statute, regulation, or other source of the public policy that you contend was violated; and
- (b) state all facts upon which you base your contention that the **EMPLOYER** violated public policy.

206.0 Defamation

☐ 206.1 Did the **EMPLOYER'S** agents or employees **PUBLISH** any of the allegedly defamatory statements identified in the **PLEADINGS**? If so, for each statement:

- (a) identify the **PUBLISHED** statement;
- (b) state the name, **ADDRESS**, telephone number, and job title of each person who **PUBLISHED** the statement;
- (c) state the name, **ADDRESS**, and telephone number of each person to whom the statement was **PUBLISHED**;

- (d) state whether, at the time the statement was **PUBLISHED**, the **PERSON** who **PUBLISHED** the statement believed it to be true; and
- (e) state all facts upon which the **PERSON** who published the statement based the belief that it was true.

☐ 206.2 State the name and **ADDRESS** of each agent or employee of the **EMPLOYER** who responded to any inquiries regarding the **EMPLOYEE** after the **EMPLOYEE'S TERMINATION**.

☐ 206.3 State the name and **ADDRESS** of the recipient and the substance of each post-**TERMINATION** statement **PUBLISHED** about **EMPLOYEE** by any agent or employee of **EMPLOYER**.

207.0 Internal Complaints

☒ 207.1 Were there any internal written policies or regulations of the **EMPLOYER** that apply to the making of a complaint of the type that is the subject matter of this lawsuit? If so:

- (a) state the title and date of each **DOCUMENT** containing the policies or regulations and a general description of the **DOCUMENT'S** contents;
- (b) state the manner in which the **DOCUMENT** was communicated to **EMPLOYEES**;
- (c) state the manner, if any, in which **EMPLOYEES** acknowledged receipt of the **DOCUMENT** or knowledge of its contents, or both;
- (d) state, if you contend that the **EMPLOYEE** failed to use any available internal complaint procedures, all facts that support that contention; and
- (e) state, if you contend that the **EMPLOYEE'S** failure to use internal complaint procedures was excused, all facts why the **EMPLOYEE'S** use of the procedures was excused.

☒ 207.2 Did the **EMPLOYEE** complain to the **EMPLOYER** about any of the unlawful conduct alleged in the **PLEADINGS**? If so, for each complaint:

- (a) state the date of the complaint;
- (b) state the nature of the complaint;
- (c) state the name and **ADDRESS** of each **PERSON** to whom the complaint was made;
- (d) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who investigated the complaint;
- (e) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who participated in making decisions about how to conduct the investigation;

- (f) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who was interviewed or who provided an oral or written statement as part of the investigation of the complaint;
- (g) state the nature and date of any action taken in response to the complaint;
- (h) state whether the **EMPLOYEE** who made the complaint was made aware of the actions taken by the **EMPLOYER** in response to the complaint, and, if so, state how and when;
- (i) identify all **DOCUMENTS** relating to the complaint, the investigation, and any action taken in response to the complaint; and
- (j) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of the **EMPLOYEE'S** complaint or the **EMPLOYER'S** response to the complaint.

208.0 Governmental Complaints

- ☒ 208.1 Did the **EMPLOYEE** file a claim, complaint, or charge with any governmental agency that involved any of the material allegations made in the **PLEADINGS**? If so, for each claim, complaint, or charge:
- (a) state the date on which it was filed;
 - (b) state the name and **ADDRESS** of the agency with which it was filed;
 - (c) state the number assigned to the claim, complaint, or charge by the agency;
 - (d) state the nature of each claim, complaint, or charge made;
 - (e) state the date on which the **EMPLOYER** was notified of the claim, complaint, or charge;
 - (f) state the name, **ADDRESS**, and telephone number of all **PERSONS** within the governmental agency with whom the **EMPLOYER** has had any contact or communication regarding the claim, complaint, or charge;
 - (g) state whether a right to sue notice was issued and, if so, when; and
 - (h) state whether any findings or conclusions regarding the complaint or charge have been made, and, if so, the date and description of the agency's findings or conclusions.
- ☒ 208.2 Did the **EMPLOYER** respond to any claim, complaint, or charge identified in Interrogatory 208.1? If so, for each claim, complaint, or charge:
- (a) state the nature and date of any investigation done or any other action taken by the **EMPLOYER** in response to the claim, complaint, or charge;
 - (b) state the name, **ADDRESS**, telephone number, and job title of each person who investigated the claim, complaint, or charge;
 - (c) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who participated in making decisions about how to conduct the investigation; and

- (d) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who was interviewed or who provided an oral or written statement as part of the investigation.

209.0 Other Employment Claims by Employee or Against Employer

- ☐ 209.1 Except for this action, in the past 10 years has the **EMPLOYEE** filed a civil action against any employer regarding the **EMPLOYEE'S** employment? If so, for each civil action:
- (a) state the name, **ADDRESS**, and telephone number of each employer against whom the action was filed;
 - (b) state the court, names of the parties, and case number of the civil action;
 - (c) state the name, **ADDRESS**, and telephone number of any attorney representing the **EMPLOYEE**; and
 - (d) state whether the action has been resolved or is pending.
- ☒ 209.2 Except for this action, in the past 10 years has any employee filed a civil action against the **EMPLOYER** regarding his or her employment? If so, for each civil action:
- (a) state the name, **ADDRESS**, and telephone number of each employee who filed the action;
 - (b) state the court, names of the parties, and case number of the civil action;
 - (c) state the name, **ADDRESS**, and telephone number of any attorney representing the **EMPLOYER**; and
 - (d) state whether the action has been resolved or is pending.

210.0 Loss of Income—Interrogatories to Employee

- ☐ 210.1 Do you attribute any loss of income, benefits, or earning capacity to any **ADVERSE EMPLOYMENT ACTION**? (If your answer is "no," do not answer Interrogatories 210.2 through 210.6.)
- ☐ 210.2 State the total amount of income, benefits, or earning capacity you have lost to date and how the amount was calculated.
- ☐ 210.3 Will you lose income, benefits, or earning capacity in the future as a result of any **ADVERSE EMPLOYMENT ACTION**? If so, state the total amount of income, benefits, or earning capacity you expect to lose, and how the amount was calculated.
- ☐ 210.4 Have you attempted to minimize the amount of your lost income? If so, describe how; if not, explain why not.

☐ 210.5 Have you purchased any benefits to replace any benefits to which you would have been entitled if the **ADVERSE EMPLOYMENT ACTION** had not occurred? If so, state the cost for each benefit purchased.

☐ 210.6 Have you obtained other employment since any **ADVERSE EMPLOYMENT ACTION**? If so, for each new employment:

- (a) state when the new employment commenced;
- (b) state the hourly rate or monthly salary for the new employment; and
- (c) state the benefits available from the new employment.

211.0 Loss of Income—Interrogatories to Employer
[See instruction 2(d).]

☒ 211.1 Identify each type of **BENEFIT** to which the **EMPLOYEE** would have been entitled, from the date of the **ADVERSE EMPLOYMENT ACTION** to the present, if the **ADVERSE EMPLOYMENT ACTION** had not happened and the **EMPLOYEE** had remained in the same job position. For each type of benefit, state the amount the **EMPLOYER** would have paid to provide the benefit for the **EMPLOYEE** during this time period and the value of the **BENEFIT** to the **EMPLOYEE**.

☒ 211.2 Do you contend that the **EMPLOYEE** has not made reasonable efforts to minimize the amount of the **EMPLOYEE'S** lost income? If so:

- (a) describe what more **EMPLOYEE** should have done;
- (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts that support your contention; and
- (c) identify all **DOCUMENTS** that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

☒ 211.3 Do you contend that any of the lost income claimed by the **EMPLOYEE**, as disclosed in discovery thus far in this case, is unreasonable or was not caused by the **ADVERSE EMPLOYMENT ACTION**? If so:

- (a) state the amount of claimed lost income that you dispute;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

212.0 Physical, Mental, or Emotional Injuries—
Interrogatories to Employee

☐ 212.1 Do you attribute any physical, mental, or emotional injuries to the **ADVERSE EMPLOYMENT ACTION**? (If your answer is "no," do not answer Interrogatories 212.2 through 212.7.)

☐ 212.2 Identify each physical, mental, or emotional injury that you attribute to the **ADVERSE EMPLOYMENT ACTION** and the area of your body affected.

☐ 212.3 Do you still have any complaints of physical, mental, or emotional injuries that you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each complaint state:

- (a) a description of the injury;
- (b) whether the complaint is subsiding, remaining the same, or becoming worse; and
- (c) the frequency and duration.

☐ 212.4 Did you receive any consultation or examination (except from expert witnesses covered by Code of Civil Procedure section 2034) or treatment from a **HEALTH CARE PROVIDER** for any injury you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each **HEALTH CARE PROVIDER** state:

- (a) the name, **ADDRESS**, and telephone number;
- (b) the type of consultation, examination, or treatment provided;
- (c) the dates you received consultation, examination, or treatment; and
- (d) the charges to date.

☐ 212.5 Have you taken any medication, prescribed or not, as a result of injuries that you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each medication state:

- (a) the name of the medication;
- (b) the name, **ADDRESS** and telephone number of the **PERSON** who prescribed or furnished it;
- (c) the date prescribed or furnished;
- (d) the dates you began and stopped taking it; and
- (e) the cost to date.

☐ 212.6 Are there any other medical services not previously listed in response to interrogatory 212.4 (for example, ambulance, nursing, prosthetics) that you received for injuries attributed to the **ADVERSE EMPLOYMENT ACTION**? If so, for each service state:

- (a) the nature;
- (b) the date;
- (c) the cost; and
- (d) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER**.

☐ 212.7 Has any **HEALTH CARE PROVIDER** advised that you may require future or additional treatment for any injuries that you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each injury state:

- (a) the name and **ADDRESS** of each **HEALTH CARE PROVIDER**;
- (b) the complaints for which the treatment was advised; and
- (c) the nature, duration, and estimated cost of the treatment.

213.0 Other Damages—Interrogatories to Employee

☐ 213.1 Are there any other damages that you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each item of damage state:

- (a) the nature;
- (b) the date it occurred;
- (c) the amount; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of the nature or amount of the damage.

☐ 213.2 Do any **DOCUMENTS** support the existence or amount of any item of damages claimed in Interrogatory 213.1? If so, identify the **DOCUMENTS** and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

214.0 Insurance

☒ 214.1 At the time of the **ADVERSE EMPLOYMENT ACTION**, was there in effect any policy of insurance through which you were or might be insured in any manner for the damages, claims, or actions that have arisen out of the **ADVERSE EMPLOYMENT ACTION**? If so, for each policy state:

- (a) the kind of coverage;
- (b) the name and **ADDRESS** of the insurance company;
- (c) the name, **ADDRESS**, and telephone number of each named insured;
- (d) the policy number;
- (e) the limits of coverage for each type of coverage contained in the policy;
- (f) whether any reservation of rights or controversy or coverage dispute exists between you and the insurance company; and
- (g) the name, **ADDRESS**, and telephone number of the custodian of the policy.

☒ 214.2 Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the **ADVERSE EMPLOYMENT ACTION**? If so, specify the statute.

215.0 Investigation

☒ 215.1 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual concerning the **ADVERSE EMPLOYMENT ACTION**? If so, for each individual state:

- (a) the name, **ADDRESS**, and telephone number of the individual interviewed;
- (b) the date of the interview; and
- (c) the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the interview.

☒ 215.2 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or recorded statement from any individual concerning the **ADVERSE EMPLOYMENT ACTION**? If so, for each statement state:

- (a) the name, **ADDRESS**, and telephone number of the individual from whom the statement was obtained;
- (b) the name, **ADDRESS**, and telephone number of the individual who obtained the statement;
- (c) the date the statement was obtained; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original statement or a copy.

216.0 Denials and Special or Affirmative Defenses

☒ 216.1 Identify each denial of a material allegation and each special or affirmative defense in your **PLEADINGS** and for each:

- (a) state all facts upon which you base the denial or special or affirmative defense;
- (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
- (c) identify all **DOCUMENTS** and all other tangible things, that support your denial or special or affirmative defense, and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

217.0 Response to Request for Admissions

☐ 217.1 Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:

- (a) state the number of the request;
- (b) state all facts upon which you base your response;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your response and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Nicole A. Silveira, Esq. (SBN 256782)

KODAM & ASSOCIATES, P.C.

41880 Kalmia Street, Suite 130, Murrieta, CA 92562

TELEPHONE NO.: (951) 445-4905

FAX NO. (Optional): (951) 445-4906

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Plaintiff, Donald Lake

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego

330 West Broadway, San Diego, CA 92101

SHORT TITLE OF CASE: Lake v. Department of Financial Institutions

FORM INTERROGATORIES—GENERAL

Asking Party: Plaintiff, Donald Lake

CASE NUMBER:

37-2009-00102604-CU-OE-CTL

Answering Party: Defendant, Department of Financial Institutions
Set No.: 1**Sec. 1. Instructions to All Parties**

(a) Interrogatories are written questions prepared by a party to an action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use in civil cases.

(b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010–2030.410 and the cases construing those sections.

(c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or make any objection.

Sec. 2. Instructions to the Asking Party

(a) These interrogatories are designed for optional use by parties in unlimited civil cases where the amount demanded exceeds \$25,000. Separate interrogatories, Form *Interrogatories—Economic Litigation* (form FI-129), which have no subparts, are designed for use in limited civil cases where the amount demanded is \$25,000 or less; however, those interrogatories may also be used in unlimited civil cases.

(b) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those interrogatories that are applicable to the case.

(c) You may insert your own definition of **INCIDENT** in Section 4, but only where the action arises from a course of conduct or a series of events occurring over a period of time.

(d) The interrogatories in section 16.0, Defendant's Contentions—Personal Injury, should not be used until the defendant has had a reasonable opportunity to conduct an investigation or discovery of plaintiff's injuries and damages.

(e) Additional interrogatories may be attached.

Sec. 3. Instructions to the Answering Party

(a) An answer or other appropriate response must be given to each interrogatory checked by the asking party.

(b) As a general rule, within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared. See Code of Civil Procedure sections 2030.260–2030.270 for details.

(c) Each answer must be as complete and straightforward as the information reasonably available to you, including the information possessed by your attorneys or agents, permits. If an interrogatory cannot be answered completely, answer it to the extent possible.

(d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.

(e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

(f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.

(g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.

(h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.

(DATE)

(SIGNATURE)

Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

(a) (Check one of the following):

- ☒ (1) **INCIDENT** includes the circumstances and events surrounding the alleged accident, injury, or other occurrence or breach of contract giving rise to this action or proceeding.

- ☐ (2) **INCIDENT** means (insert your definition here or on a separate, attached sheet labeled "Sec. 4(a)(2)"): _____

(b) YOU OR ANYONE ACTING ON YOUR BEHALF

includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.

(c) **PERSON** includes a natural person, firm, association, organization, partnership, business, trust, limited liability company, corporation, or public entity.

(d) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, electronically stored information, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.

(e) **HEALTH CARE PROVIDER** includes any **PERSON** referred to in Code of Civil Procedure section 667.7(e)(3).

(f) **ADDRESS** means the street address, including the city, state, and zip code.

Sec. 5. Interrogatories

The following interrogatories have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

CONTENTS

- 1.0 Identity of Persons Answering These Interrogatories
- 2.0 General Background Information—Individual
- 3.0 General Background Information—Business Entity
- 4.0 Insurance
- 5.0 [Reserved]
- 6.0 Physical, Mental, or Emotional Injuries
- 7.0 Property Damage
- 8.0 Loss of Income or Earning Capacity
- 9.0 Other Damages
- 10.0 Medical History
- 11.0 Other Claims and Previous Claims
- 12.0 Investigation—General
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- 16.0 Defendant's Contentions Personal Injury
- 17.0 Responses to Request for Admissions
- 18.0 [Reserved]
- 19.0 [Reserved]
- 20.0 How the Incident Occurred—Motor Vehicle
- 25.0 [Reserved]
- 30.0 [Reserved]
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- 60.0 [Reserved]
- 70.0 Unlawful Detainer [See separate form FI-128]
- 101.0 Economic Litigation [See separate form FI-129]
- 200.0 Employment Law [See separate form FI-130]
- Family Law [See separate form 1292.10]

1.0 Identity of Persons Answering These Interrogatories

- ☒ 1.1 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON** who prepared or assisted in the preparation of the responses to these interrogatories. (Do not identify anyone who simply typed or reproduced the responses.)

2.0 General Background Information—individual

- ☐ 2.1 State:
- (a) your name;
 - (b) every name you have used in the past; and
 - (c) the dates you used each name.
- ☐ 2.2 State the date and place of your birth.
- ☐ 2.3 At the time of the **INCIDENT**, did you have a driver's license? If so state:
- (a) the state or other issuing entity;
 - (b) the license number and type;
 - (c) the date of issuance; and
 - (d) all restrictions.
- ☐ 2.4 At the time of the **INCIDENT**, did you have any other permit or license for the operation of a motor vehicle? If so, state:
- (a) the state or other issuing entity;
 - (b) the license number and type;
 - (c) the date of issuance; and
 - (d) all restrictions.
- ☐ 2.5 State:
- (a) your present residence **ADDRESS**;
 - (b) your residence **ADDRESSES** for the past five years; and
 - (c) the dates you lived at each **ADDRESS**.
- ☐ 2.6 State:
- (a) the name, **ADDRESS**, and telephone number of your present employer or place of self-employment; and
 - (b) the name, **ADDRESS**, dates of employment, job title, and nature of work for each employer or self-employment you have had from five years before the **INCIDENT** until today.
- ☐ 2.7 State:
- (a) the name and **ADDRESS** of each school or other academic or vocational institution you have attended, beginning with high school;
 - (b) the dates you attended;
 - (c) the highest grade level you have completed; and
 - (d) the degrees received.
- ☐ 2.8 Have you ever been convicted of a felony? If so, for each conviction state:
- (a) the city and state where you were convicted;
 - (b) the date of conviction;
 - (c) the offense; and
 - (d) the court and case number.
- ☐ 2.9 Can you speak English with ease? If not, what language and dialect do you normally use?
- ☐ 2.10 Can you read and write English with ease? If not, what language and dialect do you normally use?

- ☐ 2.11 At the time of the **INCIDENT** were you acting as an agent or employee for any **PERSON**? If so, state:
- (a) the name, **ADDRESS**, and telephone number of that **PERSON**; and
 - (b) a description of your duties.
- ☐ 2.12 At the time of the **INCIDENT** did you or any other person have any physical, emotional, or mental disability or condition that may have contributed to the occurrence of the **INCIDENT**? If so, for each person state:
- (a) the name, **ADDRESS**, and telephone number;
 - (b) the nature of the disability or condition; and
 - (c) the manner in which the disability or condition contributed to the occurrence of the **INCIDENT**.
- ☐ 2.13 Within 24 hours before the **INCIDENT** did you or any person involved in the **INCIDENT** use or take any of the following substances: alcoholic beverage, marijuana, or other drug or medication of any kind (prescription or not)? If so, for each person state:
- (a) the name, **ADDRESS**, and telephone number;
 - (b) the nature or description of each substance;
 - (c) the quantity of each substance used or taken;
 - (d) the date and time of day when each substance was used or taken;
 - (e) the **ADDRESS** where each substance was used or taken;
 - (f) the name, **ADDRESS**, and telephone number of each person who was present when each substance was used or taken; and
 - (g) the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who prescribed or furnished the substance and the condition for which it was prescribed or furnished.

3.0 General Background Information—Business Entity

- ☒ 3.1 Are you a corporation? If so, state:
- (a) the name stated in the current articles of incorporation;
 - (b) all other names used by the corporation during the past 10 years and the dates each was used;
 - (c) the date and place of incorporation;
 - (d) the **ADDRESS** of the principal place of business; and
 - (e) whether you are qualified to do business in California.
- ☒ 3.2 Are you a partnership? If so, state:
- (a) the current partnership name;
 - (b) all other names used by the partnership during the past 10 years and the dates each was used;
 - (c) whether you are a limited partnership and, if so, under the laws of what jurisdiction;
 - (d) the name and **ADDRESS** of each general partner; and
 - (e) the **ADDRESS** of the principal place of business.
- ☒ 3.3 Are you a limited liability company? If so, state:
- (a) the name stated in the current articles of organization;
 - (b) all other names used by the company during the past 10 years and the date each was used;
 - (c) the date and place of filing of the articles of organization;
 - (d) the **ADDRESS** of the principal place of business; and
 - (e) whether you are qualified to do business in California.

- ☒ 3.4 Are you a joint venture? If so, state:
- (a) the current joint venture name;
 - (b) all other names used by the joint venture during the past 10 years and the dates each was used;
 - (c) the name and **ADDRESS** of each joint venturer; and
 - (d) the **ADDRESS** of the principal place of business.
- ☒ 3.5 Are you an unincorporated association? If so, state:
- (a) the current unincorporated association name;
 - (b) all other names used by the unincorporated association during the past 10 years and the dates each was used; and
 - (c) the **ADDRESS** of the principal place of business.
- ☒ 3.6 Have you done business under a fictitious name during the past 10 years? If so, for each fictitious name state:
- (a) the name;
 - (b) the dates each was used;
 - (c) the state and county of each fictitious name filing; and
 - (d) the **ADDRESS** of the principal place of business.
- ☒ 3.7 Within the past five years has any public entity registered or licensed your business? If so, for each license or registration:
- (a) identify the license or registration;
 - (b) state the name of the public entity; and
 - (c) state the dates of issuance and expiration.

4.0 Insurance

- ☒ 4.1 At the time of the **INCIDENT**, was there in effect any policy of insurance through which you were or might be insured in any manner (for example, primary, pro-rata, or excess liability coverage or medical expense coverage) for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, for each policy state:
- (a) the kind of coverage;
 - (b) the name and **ADDRESS** of the insurance company;
 - (c) the name, **ADDRESS**, and telephone number of each named insured;
 - (d) the policy number;
 - (e) the limits of coverage for each type of coverage contained in the policy;
 - (f) whether any reservation of rights or controversy or coverage dispute exists between you and the insurance company; and
 - (g) the name, **ADDRESS**, and telephone number of the custodian of the policy.
- ☒ 4.2 Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, specify the statute.

5.0 [Reserved]

6.0 Physical, Mental, or Emotional Injuries

- ☐ 6.1 Do you attribute any physical, mental, or emotional injuries to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 6.2 through 6.7).
- ☐ 6.2 Identify each injury you attribute to the **INCIDENT** and the area of your body affected.

- ☐ 6.3 Do you still have any complaints that you attribute to the **INCIDENT**? If so, for each complaint state:
- (a) a description;
 - (b) whether the complaint is subsiding, remaining the same, or becoming worse; and
 - (c) the frequency and duration.

- ☐ 6.4 Did you receive any consultation or examination (except from expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) or treatment from a **HEALTH CARE PROVIDER** for any injury you attribute to the **INCIDENT**? If so, for each **HEALTH CARE PROVIDER** state:
- (a) the name, **ADDRESS**, and telephone number;
 - (b) the type of consultation, examination, or treatment provided;
 - (c) the dates you received consultation, examination, or treatment; and
 - (d) the charges to date.

- ☐ 6.5 Have you taken any medication, prescribed or not, as a result of injuries that you attribute to the **INCIDENT**? If so, for each medication state:
- (a) the name;
 - (b) the **PERSON** who prescribed or furnished it;
 - (c) the date it was prescribed or furnished;
 - (d) the dates you began and stopped taking it; and
 - (e) the cost to date.

- ☐ 6.6 Are there any other medical services necessitated by the injuries that you attribute to the **INCIDENT** that were not previously listed (for example, ambulance, nursing, prosthetics)? If so, for each service state:
- (a) the nature;
 - (b) the date;
 - (c) the cost; and
 - (d) the name, **ADDRESS**, and telephone number of each provider.

- ☐ 6.7 Has any **HEALTH CARE PROVIDER** advised that you may require future or additional treatment for any injuries that you attribute to the **INCIDENT**? If so, for each injury state:
- (a) the name and **ADDRESS** of each **HEALTH CARE PROVIDER**;
 - (b) the complaints for which the treatment was advised; and
 - (c) the nature, duration, and estimated cost of the treatment.

7.0 Property Damage

- ☐ 7.1 Do you attribute any loss of or damage to a vehicle or other property to the **INCIDENT**? If so, for each item of property:
- (a) describe the property;
 - (b) describe the nature and location of the damage to the property;

- (c) state the amount of damage you are claiming for each item of property and how the amount was calculated; and
- (d) if the property was sold, state the name, **ADDRESS**, and telephone number of the seller, the date of sale, and the sale price.

- ☐ 7.2 Has a written estimate or evaluation been made for any item of property referred to in your answer to the preceding interrogatory? If so, for each estimate or evaluation state:
- (a) the name, **ADDRESS**, and telephone number of the **PERSON** who prepared it and the date prepared;
 - (b) the name, **ADDRESS**, and telephone number of each **PERSON** who has a copy of it; and
 - (c) the amount of damage stated.

- ☐ 7.3 Has any item of property referred to in your answer to interrogatory 7.1 been repaired? If so, for each item state:
- (a) the date repaired;
 - (b) a description of the repair;
 - (c) the repair cost;
 - (d) the name, **ADDRESS**, and telephone number of the **PERSON** who repaired it;
 - (e) the name, **ADDRESS**, and telephone number of the **PERSON** who paid for the repair.

8.0 Loss of Income or Earning Capacity

- ☐ 8.1 Do you attribute any loss of income or earning capacity to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 8.2 through 8.8).

- ☐ 8.2 State:
- (a) the nature of your work;
 - (b) your job title at the time of the **INCIDENT**; and
 - (c) the date your employment began.

- ☐ 8.3 State the last date before the **INCIDENT** that you worked for compensation.

- ☐ 8.4 State your monthly income at the time of the **INCIDENT** and how the amount was calculated.

- ☐ 8.5 State the date you returned to work at each place of employment following the **INCIDENT**.

- ☐ 8.6 State the dates you did not work and for which you lost income as a result of the **INCIDENT**.

- ☐ 8.7 State the total income you have lost to date as a result of the **INCIDENT** and how the amount was calculated.

- ☐ 8.8 Will you lose income in the future as a result of the **INCIDENT**? If so, state:
- (a) the facts upon which you base this contention;
 - (b) an estimate of the amount;
 - (c) an estimate of how long you will be unable to work; and
 - (d) how the claim for future income is calculated.

9.0 Other Damages

- ☒ 9.1 Are there any other damages that you attribute to the **INCIDENT**? If so, for each item of damage state:
- (a) the nature;
 - (b) the date it occurred;
 - (c) the amount; and
 - (d) the name, **ADDRESS**, and telephone number of each **PERSON** to whom an obligation was incurred.
- ☒ 9.2 Do any **DOCUMENTS** support the existence or amount of any item of damages claimed in interrogatory 9.1? If so, describe each document and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

10.0 Medical History

- ☐ 10.1 At any time before the **INCIDENT** did you have complaints or injuries that involved the same part of your body claimed to have been injured in the **INCIDENT**? If so, for each state:
- (a) a description of the complaint or injury;
 - (b) the dates it began and ended; and
 - (c) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** whom you consulted or who examined or treated you.
- ☐ 10.2 List all physical, mental, and emotional disabilities you had immediately before the **INCIDENT**. *(You may omit mental or emotional disabilities unless you attribute any mental or emotional injury to the **INCIDENT**.)*
- ☐ 10.3 At any time after the **INCIDENT**, did you sustain injuries of the kind for which you are now claiming damages? If so, for each incident giving rise to an injury state:
- (a) the date and the place it occurred;
 - (b) the name, **ADDRESS**, and telephone number of any other **PERSON** involved;
 - (c) the nature of any injuries you sustained;
 - (d) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** who you consulted or who examined or treated you; and
 - (e) the nature of the treatment and its duration.

11.0 Other Claims and Previous Claims

- ☐ 11.1 Except for this action, in the past 10 years have you filed an action or made a written claim or demand for compensation for your personal injuries? If so, for each action, claim, or demand state:
- (a) the date, time, and place and location (closest street **ADDRESS** or intersection) of the **INCIDENT** giving rise to the action, claim, or demand;
 - (b) the name, **ADDRESS**, and telephone number of each **PERSON** against whom the claim or demand was made or the action filed;

- (c) the court, names of the parties, and case number of any action filed;
- (d) the name, **ADDRESS**, and telephone number of any attorney representing you;
- (e) whether the claim or action has been resolved or is pending; and
- (f) a description of the injury.

- ☐ 11.2 In the past 10 years have you made a written claim or demand for workers' compensation benefits? If so, for each claim or demand state:
- (a) the date, time, and place of the **INCIDENT** giving rise to the claim;
 - (b) the name, **ADDRESS**, and telephone number of your employer at the time of the injury;
 - (c) the name, **ADDRESS**, and telephone number of the workers' compensation insurer and the claim number;
 - (d) the period of time during which you received workers' compensation benefits;
 - (e) a description of the injury;
 - (f) the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who provided services; and
 - (g) the case number at the Workers' Compensation Appeals Board.

12.0 Investigation—General

- ☒ 12.1 State the name, **ADDRESS**, and telephone number of each individual:
- (a) who witnessed the **INCIDENT** or the events occurring immediately before or after the **INCIDENT**;
 - (b) who made any statement at the scene of the **INCIDENT**;
 - (c) who heard any statements made about the **INCIDENT** by any individual at the scene; and
 - (d) who **YOU OR ANYONE ACTING ON YOUR BEHALF** claim has knowledge of the **INCIDENT** (except for expert witnesses covered by Code of Civil Procedure section 2034).
- ☒ 12.2 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual concerning the **INCIDENT**? If so, for each individual state:
- (a) the name, **ADDRESS**, and telephone number of the individual interviewed;
 - (b) the date of the interview; and
 - (c) the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the interview.
- ☒ 12.3 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or recorded statement from any individual concerning the **INCIDENT**? If so, for each statement state:
- (a) the name, **ADDRESS**, and telephone number of the individual from whom the statement was obtained;
 - (b) the name, **ADDRESS**, and telephone number of the individual who obtained the statement;
 - (c) the date the statement was obtained; and
 - (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original statement or a copy.

- ☒ 12.4 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any photographs, films, or videotapes depicting any place, object, or individual concerning the **INCIDENT** or plaintiff's injuries? If so, state:

- (a) the number of photographs or feet of film or videotape;
- (b) the places, objects, or persons photographed, filmed, or videotaped;
- (c) the date the photographs, films, or videotapes were taken;
- (d) the name, **ADDRESS**, and telephone number of the individual taking the photographs, films, or videotapes; and
- (e) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of the photographs, films, or videotapes.

- ☒ 12.5 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any diagram, reproduction, or model of any place or thing (except for items developed by expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) concerning the **INCIDENT**? If so, for each item state:

- (a) the type (i.e., diagram, reproduction, or model);
- (b) the subject matter; and
- (c) the name, **ADDRESS**, and telephone number of each **PERSON** who has it.

- ☒ 12.6 Was a report made by any **PERSON** concerning the **INCIDENT**? If so, state:

- (a) the name, title, identification number, and employer of the **PERSON** who made the report;
- (b) the date and type of report made;
- (c) the name, **ADDRESS**, and telephone number of the **PERSON** for whom the report was made; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of the report.

- ☒ 12.7 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** inspected the scene of the **INCIDENT**? If so, for each inspection state:

- (a) the name, **ADDRESS**, and telephone number of the individual making the inspection (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310); and
- (b) the date of the inspection.

13.0 Investigation—Surveillance

- ☒ 13.1 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** conducted surveillance of any individual involved in the **INCIDENT** or any party to this action? If so, for each surveillance state:

- (a) the name, **ADDRESS**, and telephone number of the individual or party;
- (b) the time, date, and place of the surveillance;
- (c) the name, **ADDRESS**, and telephone number of the individual who conducted the surveillance; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of any surveillance photograph, film, or videotape.

- ☒ 13.2 Has a written report been prepared on the surveillance? If so, for each written report state:

- (a) the title;
- (b) the date;
- (c) the name, **ADDRESS**, and telephone number of the individual who prepared the report; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy.

14.0 Statutory or Regulatory Violations

- ☒ 14.1 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** contend that any **PERSON** involved in the **INCIDENT** violated any statute, ordinance, or regulation and that the violation was a legal (proximate) cause of the **INCIDENT**? If so, identify the name, **ADDRESS**, and telephone number of each **PERSON** and the statute, ordinance, or regulation that was violated.

- ☒ 14.2 Was any **PERSON** cited or charged with a violation of any statute, ordinance, or regulation as a result of this **INCIDENT**? If so, for each **PERSON** state:

- (a) the name, **ADDRESS**, and telephone number of the **PERSON**;
- (b) the statute, ordinance, or regulation allegedly violated;
- (c) whether the **PERSON** entered a plea in response to the citation or charge and, if so, the plea entered; and
- (d) the name and **ADDRESS** of the court or administrative agency, names of the parties, and case number.

15.0 Denials and Special or Affirmative Defenses

- ☒ 15.1 Identify each denial of a material allegation and each special or affirmative defense in your pleadings and for each:

- (a) state all facts upon which you base the denial or special or affirmative defense;
- (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
- (c) identify all **DOCUMENTS** and other tangible things that support your denial or special or affirmative defense, and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

16.0 Defendant's Contentions—Personal Injury

- ☐ 16.1 Do you contend that any **PERSON**, other than you or plaintiff, contributed to the occurrence of the **INCIDENT** or the injuries or damages claimed by plaintiff? If so, for each **PERSON**:

- (a) state the name, **ADDRESS**, and telephone number of the **PERSON**;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

- ☐ 16.2 Do you contend that plaintiff was not injured in the **INCIDENT**? If so:

- (a) state all facts upon which you base your contention;
- (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (c) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

- ☐ 16.3 Do you contend that the injuries or the extent of the injuries claimed by plaintiff as disclosed in discovery proceedings thus far in this case were not caused by the **INCIDENT**? If so, for each injury:

(a) identify it;
 (b) state all facts upon which you base your contention;
 (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

- ☐ 16.4 Do you contend that any of the services furnished by any **HEALTH CARE PROVIDER** claimed by plaintiff in discovery proceedings thus far in this case were not due to the **INCIDENT**? If so:

(a) identify each service;
 (b) state all facts upon which you base your contention;
 (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

- ☐ 16.5 Do you contend that any of the costs of services furnished by any **HEALTH CARE PROVIDER** claimed as damages by plaintiff in discovery proceedings thus far in this case were not necessary or unreasonable? If so:

(a) identify each cost;
 (b) state all facts upon which you base your contention;
 (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

- ☐ 16.6 Do you contend that any part of the loss of earnings or income claimed by plaintiff in discovery proceedings thus far in this case was unreasonable or was not caused by the **INCIDENT**? If so:

(a) identify each part of the loss;
 (b) state all facts upon which you base your contention;
 (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

- ☐ 16.7 Do you contend that any of the property damage claimed by plaintiff in discovery Proceedings thus far in this case was not caused by the **INCIDENT**? If so:

(a) identify each item of property damage;
 (b) state all facts upon which you base your contention;
 (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

- ☐ 16.8 Do you contend that any of the costs of repairing the property damage claimed by plaintiff in discovery proceedings thus far in this case were unreasonable? If so:

(a) identify each cost item;
 (b) state all facts upon which you base your contention;
 (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

- ☐ 16.9 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** (for example, insurance bureau index reports) concerning claims for personal injuries made before or after the **INCIDENT** by a plaintiff in this case? If so, for each plaintiff state:

(a) the source of each **DOCUMENT**;
 (b) the date each claim arose;
 (c) the nature of each claim; and
 (d) the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

- ☐ 16.10 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** concerning the past or present physical, mental, or emotional condition of any plaintiff in this case from a **HEALTH CARE PROVIDER** not previously identified (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310)? If so, for each plaintiff state:

(a) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER**;
 (b) a description of each **DOCUMENT**; and
 (c) the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

17.0 Responses to Request for Admissions

- ☐ 17.1 Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:

(a) state the number of the request;
 (b) state all facts upon which you base your response;
 (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
 (d) identify all **DOCUMENTS** and other tangible things that support your response and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

18.0 [Reserved]

19.0 [Reserved]

20.0 How the Incident Occurred—Motor Vehicle

- ☐ 20.1 State the date, time, and place of the **INCIDENT** (closest street **ADDRESS** or intersection)

- ☐ 20.2 For each vehicle involved in the **INCIDENT**, state:

(a) the year, make, model, and license number;
 (b) the name, **ADDRESS**, and telephone number of the driver;

- (c) the name, **ADDRESS**, and telephone number of each occupant other than the driver;
- (d) the name, **ADDRESS**, and telephone number of each registered owner;
- (e) the name, **ADDRESS**, and telephone number of each lessee;
- (f) the name, **ADDRESS**, and telephone number of each owner other than the registered owner or lien holder, and
- (g) the name of each owner who gave permission or consent to the driver to operate the vehicle.

☐ 20.3 State the **ADDRESS** and location where your trip began and the **ADDRESS** and location of your destination.

☐ 20.4 Describe the route that you followed from the beginning of your trip to the location of the **INCIDENT**, and state the location of each stop, other than routine traffic stops, during the trip leading up to the **INCIDENT**.

☐ 20.5 State the name of the street or roadway, the lane of travel, and the direction of travel of each vehicle involved in the **INCIDENT** for the 500 feet of travel before the **INCIDENT**.

☐ 20.6 Did the **INCIDENT** occur at an intersection? If so, describe all traffic control devices, signals, or signs at the intersection.

☐ 20.7 Was there a traffic signal facing you at the time of the **INCIDENT**? If so, state:

- (a) your location when you first saw it;
- (b) the color;
- (c) the number of seconds it had been that color; and
- (d) whether the color changed between the time you first saw it and the **INCIDENT**.

☐ 20.8 State how the **INCIDENT** occurred, giving the speed, direction, and location of each vehicle involved:

- (a) just before the **INCIDENT**;
- (b) at the time of the **INCIDENT**; and (c) just after the **INCIDENT**.

☐ 20.9 Do you have information that a malfunction or defect in a vehicle caused the **INCIDENT**? If so:

- (a) identify the vehicle;
- (b) identify each malfunction or defect;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and
- (d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.

☐ 20.10 Do you have information that any malfunction or defect in a vehicle contributed to the injuries sustained in the **INCIDENT**? If so:

- (a) identify the vehicle;
- (b) identify each malfunction or defect;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and

- (d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.

☐ 20.11 State the name, **ADDRESS**, and telephone number of each owner and each **PERSON** who has had possession since the **INCIDENT** of each vehicle involved in the **INCIDENT**.

25.0 [Reserved]

30.0 [Reserved]

40.0 [Reserved]

50.0 Contract

- ☒ 50.1 For each agreement alleged in the pleadings:
- (a) identify each **DOCUMENT** that is part of the agreement and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
 - (b) state each part of the agreement not in writing, the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to that provision, and the date that part of the agreement was made;
 - (c) identify all **DOCUMENTS** that evidence any part of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
 - (d) identify all **DOCUMENTS** that are part of any modification to the agreement, and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
 - (e) state each modification not in writing, the date, and the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to the modification, and the date the modification was made;
 - (f) identify all **DOCUMENTS** that evidence any modification of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**.

☒ 50.2 Was there a breach of any agreement alleged in the pleadings? If so, for each breach describe and give the date of every act or omission that you claim is the breach of the agreement.

☒ 50.3 Was performance of any agreement alleged in the pleadings excused? If so, identify each agreement excused and state why performance was excused.

☒ 50.4 Was any agreement alleged in the pleadings terminated by mutual agreement, release, accord and satisfaction, or novation? If so, identify each agreement terminated, the date of termination, and the basis of the termination.

☒ 50.5 Is any agreement alleged in the pleadings unenforceable? If so, identify each unenforceable agreement and state why it is unenforceable.

☒ 50.6 Is any agreement alleged in the pleadings ambiguous? If so, identify each ambiguous agreement and state why it is ambiguous.

60.0 [Reserved]

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7 Attorney for Plaintiff

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
9 CENTRAL JUDICIAL DISTRICT

10
11 Donald Lake,

12 Plaintiff,

13 v.

14 State Personnel Board,

15 Defendant,

16 California Department of Financial Institutions,
17 Julio Prada, an individual; Robert Venchiarutti,
18 and individual; and Does 1 – 32,

19 Real Party in Interest and Defendant.

Case No.: 37-2009-00102604-CU-OE-CTL

SPECIAL INTERROGATORIES (SET
ONE)

20 PROPOUNDING PARTY: Plaintiff, DONALD LAKE

21
22 RESPONDING PARTY: Defendant, CALIFORNIA DEPT. OF FINANCIAL
23 INSTITUTIONS

24 SET NO: One

25 TO DEFENDANTS AND THEIR ATTORNEY OF RECORD HEREIN: Plaintiff
26 DONALD LAKE hereby requests that the Defendant CALIFORNIA DEPARTMENT OF
27 FINANCIAL INSTITUTIONS to answer under oath pursuant to Code of Civil Procedure,
28 Section 2030 the following Special Interrogatories:

1 1. Did YOU receive a written complaint regarding concerns of Julio Prada's behavior
2 on or about May 6, 2005 and if so, please provide specifics include date, individuals involved,
3 and the nature of the complaint?

4 2. Have you received any complaints regarding concerns of Julio Prada's behavior
5 from 2000 through present?

6 a. If yes, please provide the dates of the complaints and names and phone numbers
7 of persons who submitted them.

8 3. Have you received any complaints regarding concerns of Robert Venchiarutti's
9 behavior from 2000 through present?

10 a. If yes, please provide the dates of the complaints and names and phone numbers
11 of persons who submitted them.

12 4. How many times is it customary for a supervisor to email an employee on a weekly
13 basis?

14 5. How many times is it customary for a supervisor to call his employee on a weekly
15 basis?

16 6. What are the qualifications required to be a Senior Examiner?

17 7. What are the qualifications required to be a Financial Institutions Supervisor?

18 8. For what reasons would an employee be denied CTO?


19 9. What are the requirements for obtaining CTO?

20 10. For what reasons would an employee be denied vacation time?

21 11. For what reasons would an employee be denied sick leave?

22 12. For what reasons would an employee be denied telework requests?

23
24 Dated: 3/19/10

25 
26 Daniel S. Kodam, Esq.
27 Nicole A. Silveira, Esq.
28

1 Daniel Kodam, Esq. (SBN 190703)
2 KODAM & ASSOCIATES, PC
3 41880 Kalmia Street, Suite 130
4 Murrieta, CA 92562
5 Phone: 951-445-4905
6 Facsimile: 951-445-4906

7 Attorney for Plaintiff

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
9 CENTRAL JUDICIAL DISTRICT

10
11 Donald Lake,

12 Plaintiff,

13 v.

14 State Personnel Board,

15 Defendant,

16 California Department of Financial Institutions,
17 Julio Prada, an individual; Robert Venchiarutti,
18 and individual; and Does 1 – 32,

19 Real Party in Interest and Defendant.

Case No.: 37-2009-00102604-CU-OE-CTL

REQUEST FOR PRODUCTION OF
DOCUMENTS (SET ONE)

20
21 PROPOUNDING PARTY: Plaintiff, DONALD LAKE

22 RESPONDING PARTY: Defendant, CALIFORNIA DEPT. OF FINANCIAL
23 INSTITUTIONS

24 SET NO: One

25
26 TO DEFENDANTS AND THEIR ATTORNEY OF RECORD HEREIN:
27
28

1 Plaintiffs hereby request, pursuant to Code of Civil Procedure Section 2031.010, et seq.,
2 that the that the Defendant identify, produce and permit inspection, copying or photocopying of
3 the materials herein set forth.

4 5 DEFINITIONS

6 The following words used in these Request for Production of Documents are defined as
7 follows:
8

9 PERSON and PERSONS include a natural person, firm, association, organization,
10 partnership, business, trust, corporation or public entity.

11 IDENTIFY EACH PERSON means to identify each and every individual by name,
12 residence ADDRESS, residence telephone number, occupation, business ADDRESS and
13 business telephone number and to identify each and every firm, association, organization,
14 partnership, business, trust, corporation, or public entity by name.
15

16 DOCUMENT and DOCUMENTS means a writing(s) as defined by California Evidence
17 Code, Section 250, and includes the original or copy of handwriting, typewriting, printing,
18 photocopying, and every other means of recording on any tangible thing, any form of
19 communication or representation, including letters, words, pictures, sounds or symbols, or
20 combinations of them.
21

22 IDENTIFY EACH DOCUMENT incorporates the preceding definition and means to
23 identify each and every DOCUMENT by date, author, title, subject matter and present
24 custodian.
25

26 YOU, YOUR and DEFENDANT means DEPARTMENT OF FINANCIAL
27 INSTITUTIONS including its employees and agent.
28

1 ADDRESS means the street address, including the city, states, and zip codes.

2 EMPLOYEE means an individual within the same class as Plaintiff, employed in same
3 position and at the same time Plaintiff was employed, from 1983 through Present.
4

5 PRIVILEGED DOCUMENTS

6 To the extent that a full and complete response to any request for production of
7 documents and other things herein would require the disclosure of a document, which you
8 contend to be privileged, you are required, pursuant to Code of Civil Procedure Section 2031
9 (f)(3) to identify with particularity any document or tangible thing falling within any category of
10 item in the demand to which an objection is being made and set forth clearly the extent of, and
11 the specific ground for, the objection. If an objection is based on a claim of privilege, the
12 particular privilege invoked shall be stated by the documents and other things to which the
13 privilege is being asserted and shall be clearly identified.

14 A. Service of a written response under oath within thirty (30) days after service of this
15 demand, consisting of either a statement that Defendant will comply with the demand, or a
16 statement that Defendant lacks the ability to comply with the demand, and the reasons for
17 noncompliance, AND

18 B. Production of tangible things within thirty (30) days after service of this demand.
19 **PLEASE IDENTIFY** in a written response and **PRODUCE** by permitting Daniel S .Kodam, or
20 its agents on behalf of the requesting party, to inspect and photocopy:

21 DOCUMENTS REQUESTED

- 22
- 23 1. Please provide a copy of Plaintiff DONALD LAKE's personnel file in its entirety.
 - 24 2. Please provide a copy of JULIO PRADA's personnel file in its entirety.
 - 25 3. Please provide a copy of ROBERT VENCHIARUTTI's personnel file in its
26 entirety.
27
28

1 4. Please provide a copy of Plaintiff JEANETTE BARRAZA's personnel file in its
2 entirety.

3 5. Any and all document(s), correspondence(s), note(s), memorandum(s), email(s),
4 facsimile transmission(s) and/or record(s) within Defendant's possession that relate to any all
5 investigations done involving Plaintiff in any manner.
6

7 6. Any and all document(s), correspondence(s), note(s), memorandum(s), email(s),
8 facsimile transmission(s) and/or record(s) within Defendant's possession that relate to any all
9 investigations done involving JULIO PRADA in any manner.
10

11 7. Any and all document(s), correspondence(s), note(s), memorandum(s), email(s),
12 facsimile transmission(s) and/or record(s) within Defendant's possession that relate to any all
13 investigations done involving ROBERT VENCHIARUTTI in any manner.

14 8. Any and all document(s), correspondence(s), note(s), memorandum(s), email(s),
15 facsimile transmission(s) and/or record(s) related to PLAINTIFF'S performance in the
16 workplace.
17

18 9. Any and all document(s), correspondence(s), note(s), memorandum(s), email(s),
19 facsimile transmission(s) and/or record(s) relating to any evaluations made of PLAINTIFF
20 during his employment with Department of Financial Institutions.
21

22 10. Any and all e-mails involving or addressing PLAINTIFF and Julio Prada from 2004
23 to present.

24 11. Any and all e-mails involving or addressing PLAINTIFF and Oscar Lumen from
25 2004 to present.

26 12. Any and all e-mails involving or addressing PLAINTIFF and Robert Venchiarutti
27 from 2004 to present.
28

13. Any and all e-mails involving or addressing PLAINTIFF and Jeanette Barraza from 2004 to present.

NOTICE IS FURTHER HEREBY GIVEN that this demanding party is not requesting the responding party to make copies of any of the above-requested items. Should the responding party make copies, this demanding party does not consent or agree to be liable for the reproduction costs of the same.

There may be full compliance by forwarding said items to the KODAM & ASSOCIATES, PC, attorneys for the requesting party. If there is no compliance by forwarding said items, then the production for inspection and photocopying is to take place at the offices of KODAM & ASSOCIATES, PC; 41880 Kalmia Street, Suite 130, Murrieta, California 92562 on April 20, 2010.

Dated

3/19/10


Daniel Kodam, Esq.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

KODAM & ASSOCIATES, PC
 Nicole A. Silveira, Esq. (256782)
 41880 Kalmia St. Ste 130
 Murrieta, CA 92562

TELEPHONE NO.: (951) 445-4905

FAX NO. (Optional): (951) 445-4906

E-MAIL ADDRESS (Optional): nicoles@kodamlaw.com

ATTORNEY FOR (Name): Donald Lake

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego

330 W. Broadway
 San Diego, CA 92101

SHORT TITLE:

Lake v. Department of Financial Institutions

FORM INTERROGATORIES – EMPLOYMENT LAW

Asking Party: Plaintiff, Donald Lake

Answering Party: Defendant, Julio Prada

Set No.: 1

CASE NUMBER

37-2009-00102604-CU-OE-CTL

Sec. 1. Instructions to All Parties

- (a) Interrogatories are written questions prepared by a party to an action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use in employment cases.
- (b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010–2030.410 and the cases construing those sections.
- (c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or make any objection.

- (c) Each answer must be as complete and straightforward as the information reasonably available to you permits. If an interrogatory cannot be answered completely, answer it to the extent possible.

- (d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.

- (e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

- (f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.

- (g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.

- (h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.

(DATE)

(SIGNATURE)

Sec. 2. Instructions to the Asking Party

- (a) These form interrogatories are designed for optional use by parties in employment cases. (Separate sets of interrogatories, *Form Interrogatories—General* (form DISC-001) and *Form Interrogatories—Limited Civil Cases (Economic Litigation)* (form DISC-004) may also be used where applicable in employment cases.)
- (b) Insert the names of the **EMPLOYEE** and **EMPLOYER** to whom these interrogatories apply in the definitions in sections 4(d) and (e) below.
- (c) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those interrogatories that are applicable to the case.
- (d) The interrogatories in section 211.0, Loss of Income Interrogatories to Employer, should not be used until the employer has had a reasonable opportunity to conduct an investigation or discovery of the employee's injuries and damages.
- (e) Additional interrogatories may be attached.

Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

- (a) **PERSON** includes a natural person, firm, association, organization, partnership, business, trust, limited liability company, corporation, or public entity.

(b) **YOU OR ANYONE ACTING ON YOUR BEHALF** includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.

(c) **EMPLOYMENT** means a relationship in which an **EMPLOYEE** provides services requested by or on behalf of an **EMPLOYER**, other than an independent contractor relationship.

(d) **EMPLOYEE** means a **PERSON** who provides services in an **EMPLOYMENT** relationship and who is a party to this lawsuit. For purposes of these interrogatories, **EMPLOYEE** refers to *(insert name)*:

*(If no name is inserted, **EMPLOYEE** means all such PERSONS.)*

(e) **EMPLOYER** means a **PERSON** who employs an **EMPLOYEE** to provide services in an **EMPLOYMENT** relationship and who is a party to this lawsuit. For purposes of these interrogatories, **EMPLOYER** refers to *(insert name)*:

*(If no name is inserted, **EMPLOYER** means all such PERSONS.)*

(f) **ADVERSE EMPLOYMENT ACTION** means any **TERMINATION**, suspension, demotion, reprimand, loss of pay, failure or refusal to hire, failure or refusal to promote, or other action or failure to act that adversely affects the **EMPLOYEE'S** rights or interests and which is alleged in the **PLEADINGS**.

(g) **TERMINATION** means the actual or constructive termination of employment and includes a discharge, firing, layoff, resignation, or completion of the term of the employment agreement.

(h) **PUBLISH** means to communicate orally or in writing to anyone other than the plaintiff. This includes communications by one of the defendant's employees to others. *(Kelly v. General Telephone Co. (1982) 136 Cal.App.3d 278, 284.)*

(i) **PLEADINGS** means the original or most recent amended version of any complaint, answer, cross-complaint, or answer to cross-complaint.

(j) **BENEFIT** means any benefit from an **EMPLOYER**, including an "employee welfare benefit plan" or employee pension benefit plan" within the meaning of Title 29 United States Code section 1002(1) or (2) or ERISA.

(k) **HEALTH CARE PROVIDER** includes any **PERSON** referred to in Code of Civil Procedure section 667.7(e)(3).

(l) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, electronically stored information, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.

(m) **ADDRESS** means the street address, including the city, state, and zip code.

Sec. 5. Interrogatories

The following interrogatories for employment law cases have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

CONTENTS

- 200.0 Contract Formation
- 201.0 Adverse Employment Action
- 202.0 Discrimination Interrogatories to Employee
- 203.0 Harassment Interrogatories to Employee
- 204.0 Disability Discrimination
- 205.0 Discharge in Violation of Public Policy
- 206.0 Defamation
- 207.0 Internal Complaints
- 208.0 Governmental Complaints
- 209.0 Other Employment Claims by Employee or Against Employer
- 210.0 Loss of income Interrogatories to Employee
- 211.0 Loss of income Interrogatories to Employer
- 212.0 Physical, Mental, or Emotional Injuries—Interrogatories to Employee
- 213.0 Other Damages Interrogatories to Employee
- 214.0 Insurance
- 215.0 Investigation
- 216.0 Denials and Special or Affirmative Defenses
- 217.0 Response to Request for Admissions

200.0 Contract Formation

- ☒ 200.1 Do you contend that the **EMPLOYMENT** relationship was at "at will"? If so:
- (a) state all facts upon which you base this contention;
 - (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of those facts; and
 - (c) identify all **DOCUMENTS** that support your contention.
- ☒ 200.2 Do you contend that the **EMPLOYMENT** relationship was not "at will"? If so:
- (a) state all facts upon which you base this contention;
 - (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of those facts; and
 - (c) identify all **DOCUMENTS** that support your contention.
- ☒ 200.3 Do you contend that the **EMPLOYMENT** relationship was governed by any agreement—written, oral, or implied? If so:
- (a) state all facts upon which you base this contention;
 - (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of those facts; and
 - (c) identify all **DOCUMENTS** that support your contention.

☒ 200.4 Was any part of the parties' **EMPLOYMENT** relationship governed in whole or in part by any written rules, guidelines, policies, or procedures established by the **EMPLOYER**? If so, for each **DOCUMENT** containing the written rules, guidelines, policies, or procedures:

- (a) state the date and title of the **DOCUMENT** and a general description of its contents;
- (b) state the manner in which the **DOCUMENT** was communicated to employees; and
- (c) state the manner, if any, in which employees acknowledged either receipt of the **DOCUMENT** or knowledge of its contents.

☒ 200.5 Was any part of the parties' **EMPLOYMENT** relationship covered by one or more collective bargaining agreements or memorandums of understanding between the **EMPLOYER** (or an association of employers) and any labor union or employee association? If so, for each collective bargaining agreement or memorandum of understanding, state:

- (a) the names and **ADDRESSES** of the parties to the collective bargaining agreement or memorandum of understanding;
- (b) the beginning and ending dates, if applicable, of the collective bargaining agreement or memorandum of understanding; and
- (c) which parts of the collective bargaining agreement or memorandum of understanding, if any, govern (1) any dispute or claim referred to in the **PLEADINGS** and (2) the rules or procedures for resolving any dispute or claim referred to in the **PLEADINGS**.

☒ 200.6 Do you contend that the **EMPLOYEE** and the **EMPLOYER** were in a business relationship other than an **EMPLOYMENT** relationship? If so, for each relationship:

- (a) state the names of the parties to the relationship;
- (b) identify the relationship; and
- (c) state all facts upon which you base your contention that the parties were in a relationship other than an **EMPLOYMENT** relationship.

201.0 Adverse Employment Action

☒ 201.1 Was the **EMPLOYEE** involved in a **TERMINATION**? If so:

- (a) state all reasons for the **EMPLOYEE'S TERMINATION**;
- (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who participated in the **TERMINATION** decision;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who provided any information relied upon in the **TERMINATION** decision; and
- (d) identify all **DOCUMENTS** relied upon in the **TERMINATION** decision.

☐ 201.2 Are there any facts that would support the **EMPLOYEE'S TERMINATION** that were first discovered after the **TERMINATION**? If so:

- (a) state the specific facts;
- (b) state when and how **EMPLOYER** first learned of each specific fact;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of the specific facts; and
- (d) identify all **DOCUMENTS** that evidence these specific facts.

☒ 201.3 Were there any other **ADVERSE EMPLOYMENT ACTIONS**, including (the asking party should list the **ADVERSE EMPLOYMENT ACTIONS**):

If so, for each action, provide the following:

- (a) all reasons for each **ADVERSE EMPLOYMENT ACTION**;
- (b) the name, **ADDRESS**, and telephone number of each **PERSON** who participated in making each **ADVERSE EMPLOYMENT ACTION** decision;
- (c) the name, **ADDRESS**, and telephone number of each **PERSON** who provided any information relied upon in making each **ADVERSE EMPLOYMENT ACTION** decision; and
- (d) the identity of all **DOCUMENTS** relied upon in making each **ADVERSE EMPLOYMENT ACTION** decision.

☒ 201.4 Was the **TERMINATION** or any other **ADVERSE EMPLOYMENT ACTIONS** referred to in Interrogatories 201.1 through 201.3 based in whole or in part on the **EMPLOYEE'S** job performance? If so, for each action:

- (a) identify the **ADVERSE EMPLOYMENT ACTION**;
- (b) identify the **EMPLOYEE'S** specific job performance that played a role in that **ADVERSE EMPLOYMENT ACTION**;
- (c) identify any rules, guidelines, policies, or procedures that were used to evaluate the **EMPLOYEE'S** specific job performance;
- (d) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who had responsibility for evaluating the specific job performance of the **EMPLOYEE**;
- (e) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the **EMPLOYEE'S** specific job performance that played a role in that **ADVERSE EMPLOYMENT ACTION**; and
- (f) describe all warnings given with respect to the **EMPLOYEE'S** specific job performance.

- ☐ 201.5 Was any **PERSON** hired to replace the **EMPLOYEE** after the **EMPLOYEE'S TERMINATION** or demotion? If so, state the **PERSON'S** name, job title, qualifications, **ADDRESS** and telephone number, and the date the **PERSON** was hired.
- ☐ 201.6 Has any **PERSON** performed any of the **EMPLOYEE'S** former job duties after the **EMPLOYEE'S TERMINATION** or demotion? If so:
- (a) state the **PERSON'S** name, job title, **ADDRESS**, and telephone number;
 - (b) identify the duties; and
 - (c) state the date on which the **PERSON** started to perform the duties.
- ☒ 201.7 If the **ADVERSE EMPLOYMENT ACTION** involved the failure or refusal to select the **EMPLOYEE** (for example, for hire, promotion, transfer, or training), was any other **PERSON** selected instead? If so, for each **ADVERSE EMPLOYMENT ACTION**, state the name, **ADDRESS**, and telephone number of each **PERSON** selected; the date the **PERSON** was selected; and the reason the **PERSON** was selected instead of the **EMPLOYEE**.

202.0 Discrimination—Interrogatories to Employee

- ☐ 202.1 Do you contend that any **ADVERSE EMPLOYMENT ACTIONS** against you were discriminatory? If so:
- (a) identify each **ADVERSE EMPLOYMENT ACTION** that involved unlawful discrimination;
 - (b) identify each characteristic (for example, gender, race, age, etc.) on which you base your claim or claims of discrimination;
 - (c) state all facts upon which you base each claim of discrimination;
 - (d) state the name, **ADDRESS**, and telephone number of each **PERSON** with knowledge of those facts; and
 - (e) identify all **DOCUMENTS** evidencing those facts.
- ☐ 202.2 State all facts upon which you base your contention that you were qualified to perform any job which you contend was denied to you on account of unlawful discrimination.

203.0 Harassment—Interrogatories to Employee

- ☐ 203.1 Do you contend that you were unlawfully harassed in your employment? If so:
- (a) state the name, **ADDRESS**, telephone number, and employment position of each **PERSON** whom you contend harassed you;
 - (b) for each **PERSON** whom you contend harassed you, describe the harassment;

- (c) identify each characteristic (for example, gender, race, age, etc.) on which you base your claim of harassment;
- (d) state all facts upon which you base your contention that you were unlawfully harassed;
- (e) state the name, **ADDRESS**, and telephone number of each **PERSON** with knowledge of those facts; and
- (f) identify all **DOCUMENTS** evidencing those facts.

204.0 Disability Discrimination

- ☐ 204.1 Name and describe each disability alleged in the **PLEADINGS**.
- ☐ 204.2 Does the **EMPLOYEE** allege any injury or illness that arose out of or in the course of **EMPLOYMENT**? If so, state:
- (a) the nature of such injury or illness;
 - (b) how such injury or illness occurred;
 - (c) the date on which such injury or illness occurred;
 - (d) whether **EMPLOYEE** has filed a workers' compensation claim. If so, state the date and outcome of the claim; and
 - (e) whether **EMPLOYEE** has filed or applied for disability benefits of any type. If so, state the date, identify the nature of the benefits applied for, and the outcome of any such application.
- ☐ 204.3 Were there any communications between the **EMPLOYEE** (or the **EMPLOYEE'S HEALTH CARE PROVIDER**) and the **EMPLOYER** about the type or extent of any disability of **EMPLOYEE**? If so:
- (a) state the name, **ADDRESS**, and telephone number of each person who made or received the communications;
 - (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who witnessed the communications;
 - (c) describe the date and substance of the communications; and
 - (d) identify each **DOCUMENT** that refers to the communications.
- ☐ 204.4 Did the **EMPLOYER** have any information about the type, existence, or extent of any disability of **EMPLOYEE** other than from communications with the **EMPLOYEE** or the **EMPLOYEE'S HEALTH CARE PROVIDER**? If so, state the sources and substance of that information and the name, **ADDRESS**, and telephone number of each **PERSON** who provided or received the information.
- ☐ 204.5 Did the **EMPLOYEE** need any accommodation to perform any function of the **EMPLOYEE'S** job position or need a transfer to another position as an accommodation? If so, describe the accommodations needed.

☐ 204.6 Were there any communications between the **EMPLOYEE** (or the **EMPLOYEE'S HEALTH CARE PROVIDER**) and the **EMPLOYER** about any possible accommodation of **EMPLOYEE**? If so, for each communication:

- (a) state the name, **ADDRESS**, and telephone number of each **PERSON** who made or received the communication;
- (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who witnessed the communication;
- (c) describe the date and substance of the communication; and
- (d) identify each **DOCUMENT** that refers to the communication.

☐ 204.7 What did the **EMPLOYER** consider doing to accommodate the **EMPLOYEE**? For each accommodation considered:

- (a) describe the accommodation considered;
- (b) state whether the accommodation was offered to the **EMPLOYEE**;
- (c) state the **EMPLOYEE'S** response; or
- (d) if the accommodation was not offered, state all the reasons why this decision was made;
- (e) state the name, **ADDRESS**, and telephone number of each **PERSON** who on behalf of **EMPLOYER** made any decision about what accommodations, if any, to make for the **EMPLOYEE**; and
- (f) state the name, **ADDRESS**, and telephone number of each **PERSON** who on behalf of the **EMPLOYER** made or received any communications about what accommodations, if any, to make for the **EMPLOYEE**.

205.0 Discharge in Violation of Public Policy

☐ 205.1 Do you contend that the **EMPLOYER** took any **ADVERSE EMPLOYMENT ACTION** against you in violation of public policy? If so:

- (a) identify the constitutional provision, statute, regulation, or other source of the public policy that you contend was violated; and
- (b) state all facts upon which you base your contention that the **EMPLOYER** violated public policy.

206.0 Defamation

☐ 206.1 Did the **EMPLOYER'S** agents or employees **PUBLISH** any of the allegedly defamatory statements identified in the **PLEADINGS**? If so, for each statement:

- (a) identify the **PUBLISHED** statement;
- (b) state the name, **ADDRESS**, telephone number, and job title of each person who **PUBLISHED** the statement;
- (c) state the name, **ADDRESS**, and telephone number of each person to whom the statement was **PUBLISHED**;

- (d) state whether, at the time the statement was **PUBLISHED**, the **PERSON** who **PUBLISHED** the statement believed it to be true; and
- (e) state all facts upon which the **PERSON** who published the statement based the belief that it was true.

☐ 206.2 State the name and **ADDRESS** of each agent or employee of the **EMPLOYER** who responded to any inquiries regarding the **EMPLOYEE** after the **EMPLOYEE'S TERMINATION**.

☐ 206.3 State the name and **ADDRESS** of the recipient and the substance of each post-**TERMINATION** statement **PUBLISHED** about **EMPLOYEE** by any agent or employee of **EMPLOYER**.

207.0 Internal Complaints

☒ 207.1 Were there any internal written policies or regulations of the **EMPLOYER** that apply to the making of a complaint of the type that is the subject matter of this lawsuit? If so:

- (a) state the title and date of each **DOCUMENT** containing the policies or regulations and a general description of the **DOCUMENT'S** contents;
- (b) state the manner in which the **DOCUMENT** was communicated to **EMPLOYEES**;
- (c) state the manner, if any, in which **EMPLOYEES** acknowledged receipt of the **DOCUMENT** or knowledge of its contents, or both;
- (d) state, if you contend that the **EMPLOYEE** failed to use any available internal complaint procedures, all facts that support that contention; and
- (e) state, if you contend that the **EMPLOYEE'S** failure to use internal complaint procedures was excused, all facts why the **EMPLOYEE'S** use of the procedures was excused.

☒ 207.2 Did the **EMPLOYEE** complain to the **EMPLOYER** about any of the unlawful conduct alleged in the **PLEADINGS**? If so, for each complaint:

- (a) state the date of the complaint;
- (b) state the nature of the complaint;
- (c) state the name and **ADDRESS** of each **PERSON** to whom the complaint was made;
- (d) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who investigated the complaint;
- (e) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who participated in making decisions about how to conduct the investigation;

- (f) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who was interviewed or who provided an oral or written statement as part of the investigation of the complaint;
- (g) state the nature and date of any action taken in response to the complaint;
- (h) state whether the **EMPLOYEE** who made the complaint was made aware of the actions taken by the **EMPLOYER** in response to the complaint, and, if so, state how and when;
- (i) identify all **DOCUMENTS** relating to the complaint, the investigation, and any action taken in response to the complaint; and
- (j) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of the **EMPLOYEE'S** complaint or the **EMPLOYER'S** response to the complaint.

208.0 Governmental Complaints

☒ 208.1 Did the **EMPLOYEE** file a claim, complaint, or charge with any governmental agency that involved any of the material allegations made in the **PLEADINGS**? If so, for each claim, complaint, or charge:

- (a) state the date on which it was filed;
- (b) state the name and **ADDRESS** of the agency with which it was filed;
- (c) state the number assigned to the claim, complaint, or charge by the agency;
- (d) state the nature of each claim, complaint, or charge made;
- (e) state the date on which the **EMPLOYER** was notified of the claim, complaint, or charge;
- (f) state the name, **ADDRESS**, and telephone number of all **PERSONS** within the governmental agency with whom the **EMPLOYER** has had any contact or communication regarding the claim, complaint, or charge;
- (g) state whether a right to sue notice was issued and, if so, when; and
- (h) state whether any findings or conclusions regarding the complaint or charge have been made, and, if so, the date and description of the agency's findings or conclusions.

☒ 208.2 Did the **EMPLOYER** respond to any claim, complaint, or charge identified in Interrogatory 208.1? If so, for each claim, complaint, or charge:

- (a) state the nature and date of any investigation done or any other action taken by the **EMPLOYER** in response to the claim, complaint, or charge;
- (b) state the name, **ADDRESS**, telephone number, and job title of each person who investigated the claim, complaint, or charge;
- (c) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who participated in making decisions about how to conduct the investigation; and

- (d) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who was interviewed or who provided an oral or written statement as part of the investigation.

209.0 Other Employment Claims by Employee or Against Employer

☐ 209.1 Except for this action, in the past 10 years has the **EMPLOYEE** filed a civil action against any employer regarding the **EMPLOYEE'S** employment? If so, for each civil action:

- (a) state the name, **ADDRESS**, and telephone number of each employer against whom the action was filed;
- (b) state the court, names of the parties, and case number of the civil action;
- (c) state the name, **ADDRESS**, and telephone number of any attorney representing the **EMPLOYEE**; and
- (d) state whether the action has been resolved or is pending.

☒ 209.2 Except for this action, in the past 10 years has any employee filed a civil action against the **EMPLOYER** regarding his or her employment? If so, for each civil action:

- (a) state the name, **ADDRESS**, and telephone number of each employee who filed the action;
- (b) state the court, names of the parties, and case number of the civil action;
- (c) state the name, **ADDRESS**, and telephone number of any attorney representing the **EMPLOYER**; and
- (d) state whether the action has been resolved or is pending.

210.0 Loss of Income—Interrogatories to Employee

☐ 210.1 Do you attribute any loss of income, benefits, or earning capacity to any **ADVERSE EMPLOYMENT ACTION**? (If your answer is "no," do not answer Interrogatories 210.2 through 210.5.)

☐ 210.2 State the total amount of income, benefits, or earning capacity you have lost to date and how the amount was calculated.

☐ 210.3 Will you lose income, benefits, or earning capacity in the future as a result of any **ADVERSE EMPLOYMENT ACTION**? If so, state the total amount of income, benefits, or earning capacity you expect to lose, and how the amount was calculated.

☐ 210.4 Have you attempted to minimize the amount of your lost income? If so, describe how; if not, explain why not.

- ☐ 210.5 Have you purchased any benefits to replace any benefits to which you would have been entitled if the **ADVERSE EMPLOYMENT ACTION** had not occurred? If so, state the cost for each benefit purchased.
- ☐ 210.6 Have you obtained other employment since any **ADVERSE EMPLOYMENT ACTION**? If so, for each new employment:
- (a) state when the new employment commenced;
 - (b) state the hourly rate or monthly salary for the new employment; and
 - (c) state the benefits available from the new employment.

211.0 Loss of Income—Interrogatories to Employer
[See instruction 2(d).]

- ☒ 211.1 Identify each type of **BENEFIT** to which the **EMPLOYEE** would have been entitled, from the date of the **ADVERSE EMPLOYMENT ACTION** to the present, if the **ADVERSE EMPLOYMENT ACTION** had not happened and the **EMPLOYEE** had remained in the same job position. For each type of benefit, state the amount the **EMPLOYER** would have paid to provide the benefit for the **EMPLOYEE** during this time period and the value of the **BENEFIT** to the **EMPLOYEE**.
- ☒ 211.2 Do you contend that the **EMPLOYEE** has not made reasonable efforts to minimize the amount of the **EMPLOYEE'S** lost income? If so:
- (a) describe what more **EMPLOYEE** should have done;
 - (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts that support your contention; and
 - (c) identify all **DOCUMENTS** that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.
- ☒ 211.3 Do you contend that any of the lost income claimed by the **EMPLOYEE**, as disclosed in discovery thus far in this case, is unreasonable or was not caused by the **ADVERSE EMPLOYMENT ACTION**? If so:
- (a) state the amount of claimed lost income that you dispute;
 - (b) state all facts upon which you base your contention;
 - (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 - (d) identify all **DOCUMENTS** that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

212.0 Physical, Mental, or Emotional Injuries—
Interrogatories to Employee

- ☐ 212.1 Do you attribute any physical, mental, or emotional injuries to the **ADVERSE EMPLOYMENT ACTION**? (If your answer is "no," do not answer Interrogatories 212.2 through 212.7.)
- ☐ 212.2 Identify each physical, mental, or emotional injury that you attribute to the **ADVERSE EMPLOYMENT ACTION** and the area of your body affected.
- ☐ 212.3 Do you still have any complaints of physical, mental, or emotional injuries that you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each complaint state:
- (a) a description of the injury;
 - (b) whether the complaint is subsiding, remaining the same, or becoming worse; and
 - (c) the frequency and duration.
- ☐ 212.4 Did you receive any consultation or examination (except from expert witnesses covered by Code of Civil Procedure section 2034) or treatment from a **HEALTH CARE PROVIDER** for any injury you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each **HEALTH CARE PROVIDER** state:
- (a) the name, **ADDRESS**, and telephone number;
 - (b) the type of consultation, examination, or treatment provided;
 - (c) the dates you received consultation, examination, or treatment; and
 - (d) the charges to date.
- ☐ 212.5 Have you taken any medication, prescribed or not, as a result of injuries that you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each medication state:
- (a) the name of the medication;
 - (b) the name, **ADDRESS** and telephone number of the **PERSON** who prescribed or furnished it;
 - (c) the date prescribed or furnished;
 - (d) the dates you began and stopped taking it; and
 - (e) the cost to date.
- ☐ 212.6 Are there any other medical services not previously listed in response to interrogatory 212.4 (for example, ambulance, nursing, prosthetics) that you received for injuries attributed to the **ADVERSE EMPLOYMENT ACTION**? If so, for each service state:
- (a) the nature;
 - (b) the date;
 - (c) the cost; and
 - (d) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER**.

☐ 212.7 Has any **HEALTH CARE PROVIDER** advised that you may require future or additional treatment for any injuries that you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each injury state:

- (a) the name and **ADDRESS** of each **HEALTH CARE PROVIDER**;
- (b) the complaints for which the treatment was advised; and
- (c) the nature, duration, and estimated cost of the treatment.

213.0 Other Damages—Interrogatories to Employee

☐ 213.1 Are there any other damages that you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each item of damage state:

- (a) the nature;
- (b) the date it occurred;
- (c) the amount; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of the nature or amount of the damage.

☐ 213.2 Do any **DOCUMENTS** support the existence or amount of any item of damages claimed in Interrogatory 213.1? If so, identify the **DOCUMENTS** and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

214.0 Insurance

☒ 214.1 At the time of the **ADVERSE EMPLOYMENT ACTION**, was there in effect any policy of insurance through which you were or might be insured in any manner for the damages, claims, or actions that have arisen out of the **ADVERSE EMPLOYMENT ACTION**? If so, for each policy state:

- (a) the kind of coverage;
- (b) the name and **ADDRESS** of the insurance company;
- (c) the name, **ADDRESS**, and telephone number of each named insured;
- (d) the policy number;
- (e) the limits of coverage for each type of coverage contained in the policy;
- (f) whether any reservation of rights or controversy or coverage dispute exists between you and the insurance company; and
- (g) the name, **ADDRESS**, and telephone number of the custodian of the policy.

☒ 214.2 Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the **ADVERSE EMPLOYMENT ACTION**? If so, specify the statute.

215.0 Investigation

☒ 215.1 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual concerning the **ADVERSE EMPLOYMENT ACTION**? If so, for each individual state:

- (a) the name, **ADDRESS**, and telephone number of the individual interviewed;
- (b) the date of the interview; and
- (c) the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the interview.

☒ 215.2 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or recorded statement from any individual concerning the **ADVERSE EMPLOYMENT ACTION**? If so, for each statement state:

- (a) the name, **ADDRESS**, and telephone number of the individual from whom the statement was obtained;
- (b) the name, **ADDRESS**, and telephone number of the individual who obtained the statement;
- (c) the date the statement was obtained; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original statement or a copy.

216.0 Denials and Special or Affirmative Defenses

☒ 216.1 Identify each denial of a material allegation and each special or affirmative defense in your **PLEADINGS** and for each:

- (a) state all facts upon which you base the denial or special or affirmative defense;
- (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
- (c) identify all **DOCUMENTS** and all other tangible things, that support your denial or special or affirmative defense, and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

217.0 Response to Request for Admissions

☐ 217.1 Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:

- (a) state the number of the request;
- (b) state all facts upon which you base your response;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your response and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)

Nicole A. Silveira, Esq. (SBN 256782)

KODAM & ASSOCIATES, P.C.

41880 Kalmia Street, Suite 130, Murrieta, CA 92562

TELEPHONE NO.: (951) 445-4905

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E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Plaintiff, Donald Lake

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego

330 West Broadway, San Diego, CA 92101

SHORT TITLE OF CASE: Lake v. Department of Financial Institutions

FORM INTERROGATORIES—GENERAL

Asking Party: Plaintiff, Donald Lake

CASE NUMBER

37-2009-00102604-CU-OE-CTL

Answering Party: Defendant, Julio Prada

Set No.: 1

Sec. 1. Instructions to All Parties

(a) Interrogatories are written questions prepared by a party to an action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use in civil cases.

(b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010–2030.410 and the cases construing those sections.

(c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or make any objection.

Sec. 2. Instructions to the Asking Party

(a) These interrogatories are designed for optional use by parties in unlimited civil cases where the amount demanded exceeds \$25,000. Separate interrogatories, *Form Interrogatories—Economic Litigation* (form FI-129), which have no subparts, are designed for use in limited civil cases where the amount demanded is \$25,000 or less; however, those interrogatories may also be used in unlimited civil cases.

(b) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those interrogatories that are applicable to the case.

(c) You may insert your own definition of **INCIDENT** in Section 4, but only where the action arises from a course of conduct or a series of events occurring over a period of time.

(d) The interrogatories in section 16.0, Defendant's Contentions—Personal Injury, should not be used until the defendant has had a reasonable opportunity to conduct an investigation or discovery of plaintiff's injuries and damages.

(e) Additional interrogatories may be attached.

Sec. 3. Instructions to the Answering Party

(a) An answer or other appropriate response must be given to each interrogatory checked by the asking party.

(b) As a general rule, within 30 days after you are served with these interrogatories, you must serve your responses on all the asking party and serve copies of your responses on all other parties to the action who have appeared. See Code of Civil Procedure sections 2030.260–2030.270 for details.

(c) Each answer must be as complete and straightforward as the information reasonably available to you, including the information possessed by your attorneys or agents, permits. If an interrogatory cannot be answered completely, answer it to the extent possible.

(d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.

(e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

(f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.

(g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.

(h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.

(DATE)

(SIGNATURE)

Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

(a) (Check one of the following):

- ☒ (1) **INCIDENT** includes the circumstances and events surrounding the alleged accident, injury, or other occurrence or breach of contract giving rise to this action or proceeding.

- ☐ (2) **INCIDENT** means (insert your definition here or on a separate, attached sheet labeled "Sec. 4(a)(2)"): _____

(b) YOU OR ANYONE ACTING ON YOUR BEHALF

includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.

(c) PERSON includes a natural person, firm, association, organization, partnership, business, trust, limited liability company, corporation, or public entity.

(d) DOCUMENT means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, electronically stored information, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.

(e) HEALTH CARE PROVIDER includes any **PERSON** referred to in Code of Civil Procedure section 667.7(e)(3).

(f) ADDRESS means the street address, including the city, state, and zip code.

Sec. 5. Interrogatories

The following interrogatories have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

CONTENTS

- 1.0 Identity of Persons Answering These Interrogatories
- 2.0 General Background Information—Individual
- 3.0 General Background Information—Business Entity
- 4.0 Insurance
- 5.0 [Reserved]
- 6.0 Physical, Mental, or Emotional Injuries
- 7.0 Property Damage
- 8.0 Loss of Income or Earning Capacity
- 9.0 Other Damages
- 10.0 Medical History
- 11.0 Other Claims and Previous Claims
- 12.0 Investigation—General
- 13.0 Investigation—Surveillance
- 14.0 Statutory or Regulatory Violations
- 15.0 Denials and Special or Affirmative Defenses
- 16.0 Defendant's Contentions Personal Injury
- 17.0 Responses to Request for Admissions
- 18.0 [Reserved]
- 19.0 [Reserved]
- 20.0 How the Incident Occurred—Motor Vehicle
- 25.0 [Reserved]
- 30.0 [Reserved]
- 40.0 [Reserved]
- 50.0 Contract
- 60.0 [Reserved]
- 70.0 Unlawful Detainer [See separate form FI-128]
- 101.0 Economic Litigation [See separate form FI-129]
- 200.0 Employment Law [See separate form FI-130]
- Family Law [See separate form 1292.10]

1.0 Identity of Persons Answering These Interrogatories

- ☒ 1.1 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON** who prepared or assisted in the preparation of the responses to these interrogatories. (Do not identify anyone who simply typed or reproduced the responses.)

2.0 General Background Information—individual

- ☒ 2.1 State:
- (a) your name;
 - (b) every name you have used in the past; and
 - (c) the dates you used each name.
- ☒ 2.2 State the date and place of your birth.
- ☒ 2.3 At the time of the **INCIDENT**, did you have a driver's license? If so state:
- (a) the state or other issuing entity;
 - (b) the license number and type;
 - (c) the date of issuance; and
 - (d) all restrictions.
- ☒ 2.4 At the time of the **INCIDENT**, did you have any other permit or license for the operation of a motor vehicle? If so, state:
- (a) the state or other issuing entity;
 - (b) the license number and type;
 - (c) the date of issuance; and
 - (d) all restrictions.
- ☒ 2.5 State:
- (a) your present residence **ADDRESS**;
 - (b) your residence **ADDRESSES** for the past five years; and
 - (c) the dates you lived at each **ADDRESS**.
- ☒ 2.6 State:
- (a) the name, **ADDRESS**, and telephone number of your present employer or place of self-employment; and
 - (b) the name, **ADDRESS**, dates of employment, job title, and nature of work for each employer or self-employment you have had from five years before the **INCIDENT** until today.
- ☒ 2.7 State:
- (a) the name and **ADDRESS** of each school or other academic or vocational institution you have attended, beginning with high school;
 - (b) the dates you attended;
 - (c) the highest grade level you have completed; and
 - (d) the degrees received.
- ☒ 2.8 Have you ever been convicted of a felony? If so, for each conviction state:
- (a) the city and state where you were convicted;
 - (b) the date of conviction;
 - (c) the offense; and
 - (d) the court and case number.
- ☒ 2.9 Can you speak English with ease? If not, what language and dialect do you normally use?
- ☒ 2.10 Can you read and write English with ease? If not, what language and dialect do you normally use?

- ☒ 2.11 At the time of the **INCIDENT** were you acting as an agent or employee for any **PERSON**? If so, state:
- (a) the name, **ADDRESS**, and telephone number of that **PERSON**; and
 - (b) a description of your duties.
- ☒ 2.12 At the time of the **INCIDENT** did you or any other person have any physical, emotional, or mental disability or condition that may have contributed to the occurrence of the **INCIDENT**? If so, for each person state:
- (a) the name, **ADDRESS**, and telephone number;
 - (b) the nature of the disability or condition; and
 - (c) the manner in which the disability or condition contributed to the occurrence of the **INCIDENT**.
- ☒ 2.13 Within 24 hours before the **INCIDENT** did you or any person involved in the **INCIDENT** use or take any of the following substances: alcoholic beverage, marijuana, or other drug or medication of any kind (prescription or not)? If so, for each person state:
- (a) the name, **ADDRESS**, and telephone number;
 - (b) the nature or description of each substance;
 - (c) the quantity of each substance used or taken;
 - (d) the date and time of day when each substance was used or taken;
 - (e) the **ADDRESS** where each substance was used or taken;
 - (f) the name, **ADDRESS**, and telephone number of each person who was present when each substance was used or taken; and
 - (g) the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who prescribed or furnished the substance and the condition for which it was prescribed or furnished.

3.0 General Background Information—Business Entity

- ☐ 3.1 Are you a corporation? If so, state:
- (a) the name stated in the current articles of incorporation;
 - (b) all other names used by the corporation during the past 10 years and the dates each was used;
 - (c) the date and place of incorporation;
 - (d) the **ADDRESS** of the principal place of business; and
 - (e) whether you are qualified to do business in California.
- ☐ 3.2 Are you a partnership? If so, state:
- (a) the current partnership name;
 - (b) all other names used by the partnership during the past 10 years and the dates each was used;
 - (c) whether you are a limited partnership and, if so, under the laws of what jurisdiction;
 - (d) the name and **ADDRESS** of each general partner; and
 - (e) the **ADDRESS** of the principal place of business.
- ☐ 3.3 Are you a limited liability company? If so, state:
- (a) the name stated in the current articles of organization;
 - (b) all other names used by the company during the past 10 years and the date each was used;
 - (c) the date and place of filing of the articles of organization;
 - (d) the **ADDRESS** of the principal place of business; and
 - (e) whether you are qualified to do business in California.

- ☐ 3.4 Are you a joint venture? If so, state:
- (a) the current joint venture name;
 - (b) all other names used by the joint venture during the past 10 years and the dates each was used;
 - (c) the name and **ADDRESS** of each joint venturer; and
 - (d) the **ADDRESS** of the principal place of business.
- ☐ 3.5 Are you an unincorporated association? If so, state:
- (a) the current unincorporated association name;
 - (b) all other names used by the unincorporated association during the past 10 years and the dates each was used; and
 - (c) the **ADDRESS** of the principal place of business.
- ☐ 3.6 Have you done business under a fictitious name during the past 10 years? If so, for each fictitious name state:
- (a) the name;
 - (b) the dates each was used;
 - (c) the state and county of each fictitious name filing; and
 - (d) the **ADDRESS** of the principal place of business.
- ☐ 3.7 Within the past five years has any public entity registered or licensed your business? If so, for each license or registration:
- (a) identify the license or registration;
 - (b) state the name of the public entity; and
 - (c) state the dates of issuance and expiration.

4.0 Insurance

- ☐ 4.1 At the time of the **INCIDENT**, was there in effect any policy of insurance through which you were or might be insured in any manner (for example, primary, pro-rata, or excess liability coverage or medical expense coverage) for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, for each policy state:
- (a) the kind of coverage;
 - (b) the name and **ADDRESS** of the insurance company;
 - (c) the name, **ADDRESS**, and telephone number of each named insured;
 - (d) the policy number;
 - (e) the limits of coverage for each type of coverage contained in the policy;
 - (f) whether any reservation of rights or controversy or coverage dispute exists between you and the insurance company; and
 - (g) the name, **ADDRESS**, and telephone number of the custodian of the policy.
- ☐ 4.2 Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, specify the statute.

5.0 [Reserved]

6.0 Physical, Mental, or Emotional Injuries

- ☐ 6.1 Do you attribute any physical, mental, or emotional injuries to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 6.2 through 6.7).
- ☐ 6.2 Identify each injury you attribute to the **INCIDENT** and the area of your body affected.

- ☐ 6.3 Do you still have any complaints that you attribute to the **INCIDENT**? If so, for each complaint state:
- (a) a description;
 - (b) whether the complaint is subsiding, remaining the same, or becoming worse; and
 - (c) the frequency and duration.

- ☐ 6.4 Did you receive any consultation or examination (except from expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) or treatment from a **HEALTH CARE PROVIDER** for any injury you attribute to the **INCIDENT**? If so, for each **HEALTH CARE PROVIDER** state:
- (a) the name, **ADDRESS**, and telephone number;
 - (b) the type of consultation, examination, or treatment provided;
 - (c) the dates you received consultation, examination, or treatment; and
 - (d) the charges to date.

- ☐ 6.5 Have you taken any medication, prescribed or not, as a result of injuries that you attribute to the **INCIDENT**? If so, for each medication state:
- (a) the name;
 - (b) the **PERSON** who prescribed or furnished it;
 - (c) the date it was prescribed or furnished;
 - (d) the dates you began and stopped taking it; and
 - (e) the cost to date.

- ☐ 6.6 Are there any other medical services necessitated by the injuries that you attribute to the **INCIDENT** that were not previously listed (for example, ambulance, nursing, prosthetics)? If so, for each service state:
- (a) the nature;
 - (b) the date;
 - (c) the cost; and
 - (d) the name, **ADDRESS**, and telephone number of each provider.

- ☐ 6.7 Has any **HEALTH CARE PROVIDER** advised that you may require future or additional treatment for any injuries that you attribute to the **INCIDENT**? If so, for each injury state:
- (a) the name and **ADDRESS** of each **HEALTH CARE PROVIDER**;
 - (b) the complaints for which the treatment was advised; and
 - (c) the nature, duration, and estimated cost of the treatment.

7.0 Property Damage

- ☐ 7.1 Do you attribute any loss of or damage to a vehicle or other property to the **INCIDENT**? If so, for each item of property:
- (a) describe the property;
 - (b) describe the nature and location of the damage to the property;

- (c) state the amount of damage you are claiming for each item of property and how the amount was calculated; and
- (d) if the property was sold, state the name, **ADDRESS**, and telephone number of the seller, the date of sale, and the sale price.

- ☐ 7.2 Has a written estimate or evaluation been made for any item of property referred to in your answer to the preceding interrogatory? If so, for each estimate or evaluation state:
- (a) the name, **ADDRESS**, and telephone number of the **PERSON** who prepared it and the date prepared;
 - (b) the name, **ADDRESS**, and telephone number of each **PERSON** who has a copy of it; and
 - (c) the amount of damage stated.

- ☐ 7.3 Has any item of property referred to in your answer to interrogatory 7.1 been repaired? If so, for each item state:
- (a) the date repaired;
 - (b) a description of the repair;
 - (c) the repair cost;
 - (d) the name, **ADDRESS**, and telephone number of the **PERSON** who repaired it;
 - (e) the name, **ADDRESS**, and telephone number of the **PERSON** who paid for the repair.

8.0 Loss of Income or Earning Capacity

- ☐ 8.1 Do you attribute any loss of income or earning capacity to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 8.2 through 8.8).

- ☐ 8.2 State:
- (a) the nature of your work;
 - (b) your job title at the time of the **INCIDENT**; and
 - (c) the date your employment began.

- ☐ 8.3 State the last date before the **INCIDENT** that you worked for compensation.

- ☐ 8.4 State your monthly income at the time of the **INCIDENT** and how the amount was calculated.

- ☐ 8.5 State the date you returned to work at each place of employment following the **INCIDENT**.

- ☐ 8.6 State the dates you did not work and for which you lost income as a result of the **INCIDENT**.

- ☐ 8.7 State the total income you have lost to date as a result of the **INCIDENT** and how the amount was calculated.

- ☐ 8.8 Will you lose income in the future as a result of the **INCIDENT**? If so, state:
- (a) the facts upon which you base this contention;
 - (b) an estimate of the amount;
 - (c) an estimate of how long you will be unable to work; and
 - (d) how the claim for future income is calculated.

9.0 Other Damages

- ☒ 9.1 Are there any other damages that you attribute to the **INCIDENT**? If so, for each item of damage state:
- (a) the nature;
 - (b) the date it occurred;
 - (c) the amount; and
 - (d) the name, **ADDRESS**, and telephone number of each **PERSON** to whom an obligation was incurred.
- ☒ 9.2 Do any **DOCUMENTS** support the existence or amount of any item of damages claimed in interrogatory 9.1? If so, describe each document and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

10.0 Medical History

- ☐ 10.1 At any time before the **INCIDENT** did you have complaints or injuries that involved the same part of your body claimed to have been injured in the **INCIDENT**? If so, for each state:
- (a) a description of the complaint or injury;
 - (b) the dates it began and ended; and
 - (c) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** whom you consulted or who examined or treated you.
- ☐ 10.2 List all physical, mental, and emotional disabilities you had immediately before the **INCIDENT**. (You may omit mental or emotional disabilities unless you attribute any mental or emotional injury to the **INCIDENT**.)
- ☐ 10.3 At any time after the **INCIDENT**, did you sustain injuries of the kind for which you are now claiming damages? If so, for each incident giving rise to an injury state:
- (a) the date and the place it occurred;
 - (b) the name, **ADDRESS**, and telephone number of any other **PERSON** involved;
 - (c) the nature of any injuries you sustained;
 - (d) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** who you consulted or who examined or treated you; and
 - (e) the nature of the treatment and its duration.

11.0 Other Claims and Previous Claims

- ☐ 11.1 Except for this action, in the past 10 years have you filed an action or made a written claim or demand for compensation for your personal injuries? If so, for each action, claim, or demand state:
- (a) the date, time, and place and location (closest street **ADDRESS** or intersection) of the **INCIDENT** giving rise to the action, claim, or demand;
 - (b) the name, **ADDRESS**, and telephone number of each **PERSON** against whom the claim or demand was made or the action filed;

- (c) the court, names of the parties, and case number of any action filed;
- (d) the name, **ADDRESS**, and telephone number of any attorney representing you;
- (e) whether the claim or action has been resolved or is pending; and
- (f) a description of the injury.

- ☐ 11.2 In the past 10 years have you made a written claim or demand for workers' compensation benefits? If so, for each claim or demand state:
- (a) the date, time, and place of the **INCIDENT** giving rise to the claim;
 - (b) the name, **ADDRESS**, and telephone number of your employer at the time of the injury;
 - (c) the name, **ADDRESS**, and telephone number of the workers' compensation insurer and the claim number;
 - (d) the period of time during which you received workers' compensation benefits;
 - (e) a description of the injury;
 - (f) the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who provided services; and
 - (g) the case number at the Workers' Compensation Appeals Board.

12.0 Investigation—General

- ☒ 12.1 State the name, **ADDRESS**, and telephone number of each individual:
- (a) who witnessed the **INCIDENT** or the events occurring immediately before or after the **INCIDENT**;
 - (b) who made any statement at the scene of the **INCIDENT**;
 - (c) who heard any statements made about the **INCIDENT** by any individual at the scene; and
 - (d) who **YOU OR ANYONE ACTING ON YOUR BEHALF** claim has knowledge of the **INCIDENT** (except for expert witnesses covered by Code of Civil Procedure section 2034).
- ☒ 12.2 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual concerning the **INCIDENT**? If so, for each individual state:
- (a) the name, **ADDRESS**, and telephone number of the individual interviewed;
 - (b) the date of the interview; and
 - (c) the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the interview.
- ☒ 12.3 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or recorded statement from any individual concerning the **INCIDENT**? If so, for each statement state:
- (a) the name, **ADDRESS**, and telephone number of the individual from whom the statement was obtained;
 - (b) the name, **ADDRESS**, and telephone number of the individual who obtained the statement;
 - (c) the date the statement was obtained; and
 - (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original statement or a copy.

- ☒ 12.4 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any photographs, films, or videotapes depicting any place, object, or individual concerning the **INCIDENT** or plaintiff's injuries? If so, state:

- (a) the number of photographs or feet of film or videotape;
- (b) the places, objects, or persons photographed, filmed, or videotaped;
- (c) the date the photographs, films, or videotapes were taken;
- (d) the name, **ADDRESS**, and telephone number of the individual taking the photographs, films, or videotapes; and
- (e) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of the photographs, films, or videotapes.

- ☒ 12.5 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any diagram, reproduction, or model of any place or thing (except for items developed by expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) concerning the **INCIDENT**? If so, for each item state:

- (a) the type (i.e., diagram, reproduction, or model);
- (b) the subject matter; and
- (c) the name, **ADDRESS**, and telephone number of each **PERSON** who has it.

- ☒ 12.6 Was a report made by any **PERSON** concerning the **INCIDENT**? If so, state:

- (a) the name, title, identification number, and employer of the **PERSON** who made the report;
- (b) the date and type of report made;
- (c) the name, **ADDRESS**, and telephone number of the **PERSON** for whom the report was made; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of the report.

- ☒ 12.7 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** inspected the scene of the **INCIDENT**? If so, for each inspection state:

- (a) the name, **ADDRESS**, and telephone number of the individual making the inspection (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310); and
- (b) the date of the inspection.

13.0 Investigation—Surveillance

- ☒ 13.1 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** conducted surveillance of any individual involved in the **INCIDENT** or any party to this action? If so, for each surveillance state:

- (a) the name, **ADDRESS**, and telephone number of the individual or party;
- (b) the time, date, and place of the surveillance;
- (c) the name, **ADDRESS**, and telephone number of the individual who conducted the surveillance; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of any surveillance photograph, film, or videotape.

- ☒ 13.2 Has a written report been prepared on the surveillance? If so, for each written report state:

- (a) the title;
- (b) the date;
- (c) the name, **ADDRESS**, and telephone number of the individual who prepared the report; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy.

14.0 Statutory or Regulatory Violations

- ☒ 14.1 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** contend that any **PERSON** involved in the **INCIDENT** violated any statute, ordinance, or regulation and that the violation was a legal (proximate) cause of the **INCIDENT**? If so, identify the name, **ADDRESS**, and telephone number of each **PERSON** and the statute, ordinance, or regulation that was violated.

- ☒ 14.2 Was any **PERSON** cited or charged with a violation of any statute, ordinance, or regulation as a result of this **INCIDENT**? If so, for each **PERSON** state:

- (a) the name, **ADDRESS**, and telephone number of the **PERSON**;
- (b) the statute, ordinance, or regulation allegedly violated;
- (c) whether the **PERSON** entered a plea in response to the citation or charge and, if so, the plea entered; and
- (d) the name and **ADDRESS** of the court or administrative agency, names of the parties, and case number.

15.0 Denials and Special or Affirmative Defenses

- ☒ 15.1 Identify each denial of a material allegation and each special or affirmative defense in your pleadings and for each:

- (a) state all facts upon which you base the denial or special or affirmative defense;
- (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
- (c) identify all **DOCUMENTS** and other tangible things that support your denial or special or affirmative defense, and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

16.0 Defendant's Contentions—Personal Injury

- ☐ 16.1 Do you contend that any **PERSON**, other than you or plaintiff, contributed to the occurrence of the **INCIDENT** or the injuries or damages claimed by plaintiff? If so, for each **PERSON**:

- (a) state the name, **ADDRESS**, and telephone number of the **PERSON**;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

- ☐ 16.2 Do you contend that plaintiff was not injured in the **INCIDENT**? If so:

- (a) state all facts upon which you base your contention;
- (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (c) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.3 Do you contend that the injuries or the extent of the injuries claimed by plaintiff as disclosed in discovery proceedings thus far in this case were not caused by the INCIDENT? If so, for each injury:

- (a) identify it;
- (b) state all facts upon which you base your contention;
- (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of the facts; and
- (d) identify all DOCUMENTS and other tangible things that support your contention and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

☐ 16.4 Do you contend that any of the services furnished by any HEALTH CARE PROVIDER claimed by plaintiff in discovery proceedings thus far in this case were not due to the INCIDENT? If so:

- (a) identify each service;
- (b) state all facts upon which you base your contention;
- (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of the facts; and
- (d) identify all DOCUMENTS and other tangible things that support your contention and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

☐ 16.5 Do you contend that any of the costs of services furnished by any HEALTH CARE PROVIDER claimed as damages by plaintiff in discovery proceedings thus far in this case were not necessary or unreasonable? If so:

- (a) identify each cost;
- (b) state all facts upon which you base your contention;
- (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of the facts; and
- (d) identify all DOCUMENTS and other tangible things that support your contention and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

☐ 16.6 Do you contend that any part of the loss of earnings or income claimed by plaintiff in discovery proceedings thus far in this case was unreasonable or was not caused by the INCIDENT? If so:

- (a) identify each part of the loss;
- (b) state all facts upon which you base your contention;
- (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of the facts; and
- (d) identify all DOCUMENTS and other tangible things that support your contention and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

☐ 16.7 Do you contend that any of the property damage claimed by plaintiff in discovery Proceedings thus far in this case was not caused by the INCIDENT? If so:

- (a) identify each item of property damage;
- (b) state all facts upon which you base your contention;
- (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of the facts; and
- (d) identify all DOCUMENTS and other tangible things that support your contention and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

☐ 16.8 Do you contend that any of the costs of repairing the property damage claimed by plaintiff in discovery proceedings thus far in this case were unreasonable? If so:

- (a) identify each cost item;
- (b) state all facts upon which you base your contention;
- (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of the facts; and
- (d) identify all DOCUMENTS and other tangible things that support your contention and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

☐ 16.9 Do YOU OR ANYONE ACTING ON YOUR BEHALF have any DOCUMENT (for example, insurance bureau index reports) concerning claims for personal injuries made before or after the INCIDENT by a plaintiff in this case? If so, for each plaintiff state:

- (a) the source of each DOCUMENT;
- (b) the date each claim arose;
- (c) the nature of each claim; and
- (d) the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT.

☐ 16.10 Do YOU OR ANYONE ACTING ON YOUR BEHALF have any DOCUMENT concerning the past or present physical, mental, or emotional condition of any plaintiff in this case from a HEALTH CARE PROVIDER not previously identified (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310)? If so, for each plaintiff state:

- (a) the name, ADDRESS, and telephone number of each HEALTH CARE PROVIDER;
- (b) a description of each DOCUMENT; and
- (c) the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT.

17.0 Responses to Request for Admissions

☐ 17.1 Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:

- (a) state the number of the request;
- (b) state all facts upon which you base your response;
- (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of those facts; and
- (d) identify all DOCUMENTS and other tangible things that support your response and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

18.0 [Reserved]

19.0 [Reserved]

20.0 How the Incident Occurred—Motor Vehicle

☐ 20.1 State the date, time, and place of the INCIDENT (closest street ADDRESS or intersection).

☐ 20.2 For each vehicle involved in the INCIDENT, state:

- (a) the year, make, model, and license number;
- (b) the name, ADDRESS, and telephone number of the driver;

- (c) the name, **ADDRESS**, and telephone number of each occupant other than the driver;
- (d) the name, **ADDRESS**, and telephone number of each registered owner;
- (e) the name, **ADDRESS**, and telephone number of each lessee;
- (f) the name, **ADDRESS**, and telephone number of each owner other than the registered owner or lien holder; and
- (g) the name of each owner who gave permission or consent to the driver to operate the vehicle.

☐ 20.3 State the **ADDRESS** and location where your trip began and the **ADDRESS** and location of your destination.

☐ 20.4 Describe the route that you followed from the beginning of your trip to the location of the **INCIDENT**, and state the location of each stop, other than routine traffic stops, during the trip leading up to the **INCIDENT**.

☐ 20.5 State the name of the street or roadway, the lane of travel, and the direction of travel of each vehicle involved in the **INCIDENT** for the 500 feet of travel before the **INCIDENT**.

☐ 20.6 Did the **INCIDENT** occur at an intersection? If so, describe all traffic control devices, signals, or signs at the intersection.

☐ 20.7 Was there a traffic signal facing you at the time of the **INCIDENT**? If so, state:

- (a) your location when you first saw it;
- (b) the color;
- (c) the number of seconds it had been that color; and
- (d) whether the color changed between the time you first saw it and the **INCIDENT**.

☐ 20.8 State how the **INCIDENT** occurred, giving the speed, direction, and location of each vehicle involved:

- (a) just before the **INCIDENT**;
- (b) at the time of the **INCIDENT**; and (c) just after the **INCIDENT**.

☐ 20.9 Do you have information that a malfunction or defect in a vehicle caused the **INCIDENT**? If so:

- (a) identify the vehicle;
- (b) identify each malfunction or defect;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and
- (d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.

☐ 20.10 Do you have information that any malfunction or defect in a vehicle contributed to the injuries sustained in the **INCIDENT**? If so:

- (a) identify the vehicle;
- (b) identify each malfunction or defect;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and

- (d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.

☐ 20.11 State the name, **ADDRESS**, and telephone number of each owner and each **PERSON** who has had possession since the **INCIDENT** of each vehicle involved in the **INCIDENT**.

25.0 [Reserved]

30.0 [Reserved]

40.0 [Reserved]

50.0 Contract

☒ 50.1 For each agreement alleged in the pleadings:

- (a) identify each **DOCUMENT** that is part of the agreement and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (b) state each part of the agreement not in writing, the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to that provision, and the date that part of the agreement was made;
- (c) identify all **DOCUMENTS** that evidence any part of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (d) identify all **DOCUMENTS** that are part of any modification to the agreement, and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (e) state each modification not in writing, the date, and the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to the modification, and the date the modification was made;
- (f) identify all **DOCUMENTS** that evidence any modification of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**.

☒ 50.2 Was there a breach of any agreement alleged in the pleadings? If so, for each breach describe and give the date of every act or omission that you claim is the breach of the agreement.

☒ 50.3 Was performance of any agreement alleged in the pleadings excused? If so, identify each agreement excused and state why performance was excused.

☒ 50.4 Was any agreement alleged in the pleadings terminated by mutual agreement, release, accord and satisfaction, or novation? If so, identify each agreement terminated, the date of termination, and the basis of the termination.

☒ 50.5 Is any agreement alleged in the pleadings unenforceable? If so, identify each unenforceable agreement and state why it is unenforceable.

☒ 50.6 Is any agreement alleged in the pleadings ambiguous? If so, identify each ambiguous agreement and state why it is ambiguous.

60.0 [Reserved]

1 Daniel Kodam, Esq. (SBN 190703)
2 KODAM & ASSOCIATES, PC
3 41880 Kalmia Street, Suite 130
4 Murrieta, CA 92562
5 Phone: 951-445-4905
6 Facsimile: 951-445-4906

7 Attorney for Plaintiff

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
9 CENTRAL JUDICIAL DISTRICT

10
11 Donald Lake,

12 Plaintiff,

13 v.

14 State Personnel Board,

15 Defendant,

16 California Department of Financial Institutions,
17 Julio Prada, an individual; Robert Venchiarutti,
18 and individual; and Docs 1 – 32,

19 Real Party in Interest and Defendant.

Case No.: 37-2009-00102604-CU-OE-CTL

SPECIAL INTERROGATORIES (SET
ONE)

20 PROPOUNDING PARTY: Plaintiff, DONALD LAKE

21
22 RESPONDING PARTY: Defendant, JULIO PRADA

23 SET NO: One

24 TO DEFENDANTS AND THEIR ATTORNEY OF RECORD HEREIN: Plaintiff
25 DONALD LAKE hereby requests that the Defendant CALIFORNIA DEPARTMENT OF
26 FINANCIAL INSTITUTIONS to answer under oath pursuant to Code of Civil Procedure,
27 Section 2030 the following Special Interrogatories:
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PERSON and **PERSONS** include a natural person, firm, association, organization, partnership, business, trust, corporation or public entity.

DOCUMENT and **DOCUMENTS** means a writing(s) as defined by California Evidence Code, Section 250, and includes the original or copy of handwriting, typewriting, printing, photocopying, and every other means of recording on any tangible thing, any form of communication or representation, including letters, words, pictures, sounds or symbols, or combinations of them.

YOU, YOUR and DEFENDANT means JULIO PRADA.

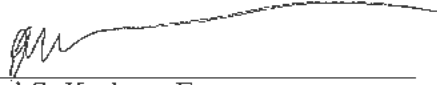
ADDRESS means the street address, including the city, states, and zip codes.

SPECIAL INTERROGATORIES

a. If so, how were you made aware of this policy?

- 1 2. How many times is it customary for a supervisor to email an employee on a weekly
2 basis?
3 3. How many times is it customary for a supervisor to call his employee on a weekly
4 basis?
5 4. What are the qualifications required to be a Senior Examiner?
6 5. What are the qualifications required to be a Financial Institutions Supervisor?
7 6. For what reasons would an employee be denied CTO?
8 7. What are the requirements for obtaining CTO?
9 8. For what reasons would an employee be denied vacation time?
10 9. For what reasons would an employee be denied sick leave?
11 10. For what reasons would an employee be denied telework requests?
12 11. Please describe the manner in which you have supervised PLAINTIFF from 2004 to
13 present including forms of communication and discipline.
14 12. Please describe any incidents including date, location, and individuals presents
15 where you threatened PLAINTIFF with any form of discipline up to and including
16 termination.

17
18 Dated: 3/19/10

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20 Daniel S. Kodam, Esq.
21 Nicole A. Silveira, Esq.
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1 Daniel Kodam, Esq. (SBN 190703)
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5 Phone: 951-445-4905
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7 Attorney for Plaintiff

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
9 CENTRAL JUDICIAL DISTRICT

10
11 Donald Lake,

12 Plaintiff,

13 v.

14 State Personnel Board,

15 Defendant,

16 California Department of Financial Institutions,
17 Julio Prada, an individual; Robert Venchiarutti,
18 and individual; and Does 1 – 32,

19 Real Party in Interest and Defendant.

Case No.: 37-2009-00102604-CU-OE-CTL

REQUEST FOR PRODUCTION OF
DOCUMENTS (SET ONE)

20 PROPOUNDING PARTY: Plaintiff, DONALD LAKE

21
22 RESPONDING PARTY: Defendant, JULIO PRADA

23 SET NO: One
24

25 TO DEFENDANT'S AND THEIR ATTORNEY OF RECORD HEREIN:
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1 Plaintiffs hereby request, pursuant to Code of Civil Procedure Section 2031.010, et seq.,
2 that the that the Defendant identify, produce and permit inspection, copying or photocopying of
3 the materials herein set forth.

4 5 DEFINITIONS

6 The following words used in these Request for Production of Documents are defined as
7 follows:
8

9 PERSON and PERSONS include a natural person, firm, association, organization,
10 partnership, business, trust, corporation or public entity.

11 IDENTIFY EACH PERSON means to identify each and every individual by name,
12 residence ADDRESS, residence telephone number, occupation, business ADDRESS and
13 business telephone number and to identify each and every firm, association, organization,
14 partnership, business, trust, corporation, or public entity by name.

15 DOCUMENT and DOCUMENTS means a writing(s) as defined by California Evidence
16 Code, Section 250, and includes the original or copy of handwriting, typewriting, printing,
17 photocopying, and every other means of recording on any tangible thing, any form of
18 communication or representation, including letters, words, pictures, sounds or symbols, or
19 combinations of them.
20

21 IDENTIFY EACH DOCUMENT incorporates the preceding definition and means to
22 identify each and every DOCUMENT by date, author, title, subject matter and present
23 custodian.
24

25 YOU, YOUR and DEFENDANT means JULIO PRADA.
26

27 ADDRESS means the street address, including the city, states, and zip codes.
28

1 EMPLOYEE means an individual within the same class as Plaintiff, employed in same
2 position and at the same time Plaintiff was employed, from 1983 through Present.

3 PRIVILEGED DOCUMENTS
4

5 To the extent that a full and complete response to any request for production of
6 documents and other things herein would require the disclosure of a document, which you
7 contend to be privileged, you are required, pursuant to Code of Civil Procedure Section 2031
8 (f)(3) to identify with particularity any document or tangible thing falling within any category of
9 item in the demand to which an objection is being made and set forth clearly the extent of, and
10 the specific ground for, the objection. If an objection is based on a claim of privilege, the
11 particular privilege invoked shall be stated by the documents and other things to which the
12 privilege is being asserted and shall be clearly identified.

13 A. Service of a written response under oath within thirty (30) days after service of this
14 demand, consisting of either a statement that Defendant will comply with the demand, or a
15 statement that Defendant lacks the ability to comply with the demand, and the reasons for
16 noncompliance, **AND**

17 B. Production of tangible things within thirty (30) days after service of this demand.
18 **PLEASE IDENTIFY** in a written response and **PRODUCE** by permitting Daniel S .Kodam, or
19 its agents on behalf of the requesting party, to inspect and photocopy:

20 DOCUMENTS REQUESTED
21

22 1. Any and all document(s), correspondence(s), note(s), memorandum(s), cmail(s),
23 facsimile transmission(s) and/or record(s) within your possession that relate to any all
24 investigations done involving Plaintiff in any manner.

25 2. Any and all document(s), correspondence(s), note(s), memorandum(s), email(s),
26 facsimile transmission(s) and/or record(s) between yourself and Plaintiff from 2000 through
27 present.
28

3. Any and all document(s), correspondence(s), note(s), memorandum(s), email(s), facsimile transmission(s) and/or record(s) between yourself and ROBERT VENCHIARUTTI, which relate to Plaintiff, from 2000 through present.

4. Any and all document(s), correspondence(s), note(s), memorandum(s), email(s), facsimile transmission(s) and/or record(s) relating to any evaluations made of PLAINTIFF during his employment with Department of Financial Institutions.

NOTICE IS FURTHER HEREBY GIVEN that this demanding party is not requesting the responding party to make copies of any of the above-requested items. Should the responding party make copies, this demanding party does not consent or agree to be liable for the reproduction costs of the same.

There may be full compliance by forwarding said items to the KODAM & ASSOCIATES, PC, attorneys for the requesting party. If there is no compliance by forwarding said items, then the production for inspection and photocopying is to take place at the offices of KODAM & ASSOCIATES, PC; 41880 Kalmia Street, Suite 130, Murrieta, California 92562 on April 20, 2010.

Dated

3/19/10

Daniel Kodam, Esq.

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.

I am employed in the County of Riverside, State of California. I am over the age of 18 and not a party to the within action. My business address is 41880 Kalmia Street, Suite 130, Murrieta, CA 92562.

On March 19, 2010, I served the foregoing document described as: **FORM INTERROGATORIES - EMPLOYMENT LAW - DEPARTMENT OF FINANCIAL INSTITUTIONS; FORM INTERROGATORIES - GENERAL - DEPARTMENT OF FINANCIAL INSTITUTIONS; SPECIAL INTERROGATORIES (SET ONE) DEPARTMENT OF FINANCIAL INSTITUTIONS; REQUEST FOR PRODUCTION OF DOCUMENTS (SET ONE) DEPARTMENT OF FINANCIAL INSTITUTIONS; FORM INTERROGATORIES - EMPLOYMENT LAW - JULIO PRADA; FORM INTERROGATORIES - GENERAL - JULIO PRADA; SPECIAL INTERROGATORIES (SET ONE) - JULIO PRADA; REQUEST FOR PRODUCTION OF DOCUMENTS (SET ONE) - JULIO PRADA; FORM INTERROGATORIES - EMPLOYMENT LAW - ROBERT VENCHIARUTTI; FORM INTERROGATORIES - GENERAL - ROBERT VENCHIARUTTI; SPECIAL INTERROGATORIES (SET ONE) ROBERT VENCHIARUTTI; REQUEST FOR PRODUCTION OF DOCUMENTS (SET ONE) ROBERT VENCHIARUTTI**; on all interested parties addressed as follows:

State of California Department of Justice
Attn: Chris A Knudsen
Supervising Deputy Attorney General
110 West A Street
Suite 1100
San Diego CA 92816-5266

(XX) BY MAIL: I placed a true copy of the foregoing document(s) in a sealed envelope, addressed to each interested party as set forth above, with postage fully prepaid, I am "readily familiar" with the firm's practice of collection and processing of correspondence for mailing with the U.S. Postal Service and the fact that the correspondence would be deposited with the U.S. Postal Service the same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in declaration.

() BY CERTIFIED MAIL: I placed a true copy of the foregoing document(s) in a sealed envelope, addressed to each interested party as set forth above, with postage fully prepaid, I am "readily familiar" with the firm's practice of collection and processing of correspondence for mailing with the U.S. Postal Service and the fact that the correspondence would be deposited with the U.S. Postal Service the same day in the ordinary course of business. I mailed the foregoing documents using certified mail with a return receipt requested.

() BY OVERNIGHT MAIL: I placed a true copy of the foregoing document (s) in a sealed envelope with an official ON TRAC/CALIFORNIA OVERNIGHT label addressed to each interested party as set forth above. I kept a copy of said label, which has the tracking number readily available to monitor delivery. I deposited said package in the nearest ON

1 TRAC/CALIFORNIA OVERNIGHT drop box #1128 before the latest pickup time of
2 5:30 p.m.

3 () **BY FACSIMILE TRANSMISSION:** I transmitted the foregoing document(s) as
4 described above from facsimile No. (951)296-2338 to the addressee's facsimile number
5 as stated above or on the Attached Service List. The facsimile machine I used complied
6 with Rule 2003 and no error was reported by the machine. Pursuant to Rule 2005(i), I
7 caused the machine to print a transmission record of the transmission, a copy of which
8 will be maintained with the appropriate file in our office.

9 () **BY ELECTRONIC MAIL:** I transmitted the foregoing document(s) as described above
10 via electronic mail based on an agreement of the parties to accept service via electronic
11 mail or electronic transmission. I did not receive within reasonable time after the
12 transmission, any electronic message or other indication that the transmission was
13 unsuccessful.

14 () **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the
15 offices of the addressee(s).

16
17
18 (XX) **STATE - I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF**
19 **CALIFORNIA THAT THE ABOVE IS TRUE AND CORRECT.**

20 () **FEDERAL- I DECLARE THAT I AM EMPLOYED IN THE OFFICE OF A MEMBER OF THE BAR**
21 **OF THIS COURT AT WHOSE DIRECTION THE SERVICE WAS MADE.**

22 Executed on March 19, 2010, at Murrieta, CA

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27
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JACQUELINE STONER

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

KODAM & ASSOCIATES, PC
 Nicole A. Silveira, Esq. (256782)
 41880 Kaimia St. Ste 130
 Murrieta, CA 92562

TELEPHONE NO.: (951) 445-4905

FAX NO. (Optional): (951) 445-4906

E-MAIL ADDRESS (Optional): nicoles@kodamlaw.com

ATTORNEY FOR (Name): Donald Lake

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego

330 W. Broadway
 San Diego, CA 92101

SHORT TITLE:

Lake v. Department of Financial Institutions

FORM INTERROGATORIES – EMPLOYMENT LAW

Asking Party: Plaintiff, Donald Lake

Answering Party: Defendant, Robert Venchiarutti

Set No.: 1

CASE NUMBER

37-2009-00102604-CU-OE-CTL

Sec. 1. Instructions to All Parties

- (a) Interrogatories are written questions prepared by a party to an action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use in employment cases.
- (b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010–2030.410 and the cases construing those sections.
- (c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or make any objection.

Sec. 2. Instructions to the Asking Party

- (a) These form interrogatories are designed for optional use by parties in employment cases. (Separate sets of interrogatories, *Form Interrogatories—General* (form DISC-001) and *Form Interrogatories—Limited Civil Cases (Economic Litigation)* (form DISC-004) may also be used where applicable in employment cases.)
- (b) Insert the names of the **EMPLOYEE** and **EMPLOYER** to whom these interrogatories apply in the definitions in sections 4(d) and (e) below.
- (c) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those interrogatories that are applicable to the case.
- (d) The interrogatories in section 211.0, Loss of Income Interrogatories to Employer, should not be used until the employer has had a reasonable opportunity to conduct an investigation or discovery of the employee's injuries and damages.
- (e) Additional interrogatories may be attached.

- (c) Each answer must be as complete and straightforward as the information reasonably available to you permits. If an interrogatory cannot be answered completely, answer it to the extent possible.
- (d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.
- (e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.
- (f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.
- (g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.
- (h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.

(DATE)

(SIGNATURE)

Sec. 3. Instructions to the Answering Party

- (a) You must answer or provide another appropriate response to each interrogatory that has been checked below.
- (b) As a general rule, within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared. See Code of Civil Procedure sections 2030.260–2030.270 for details.

Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

- (a) **PERSON** includes a natural person, firm, association, organization, partnership, business, trust, limited liability company, corporation, or public entity.

- (b) **YOU OR ANYONE ACTING ON YOUR BEHALF** includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.
- (c) **EMPLOYMENT** means a relationship in which an **EMPLOYEE** provides services requested by or on behalf of an **EMPLOYER**, other than an independent contractor relationship.
- (d) **EMPLOYEE** means a **PERSON** who provides services in an **EMPLOYMENT** relationship and who is a party to this lawsuit. For purposes of these interrogatories, **EMPLOYEE** refers to *(insert name)*:
- (If no name is inserted, **EMPLOYEE** means all such PERSONS.)*
- (e) **EMPLOYER** means a **PERSON** who employs an **EMPLOYEE** to provide services in an **EMPLOYMENT** relationship and who is a party to this lawsuit. For purposes of these interrogatories, **EMPLOYER** refers to *(insert name)*:
- (If no name is inserted, **EMPLOYER** means all such PERSONS.)*
- (f) **ADVERSE EMPLOYMENT ACTION** means any **TERMINATION**, suspension, demotion, reprimand, loss of pay, failure or refusal to hire, failure or refusal to promote, or other action or failure to act that adversely affects the **EMPLOYEE'S** rights or interests and which is alleged in the **PLEADINGS**.
- (g) **TERMINATION** means the actual or constructive termination of employment and includes a discharge, firing, layoff, resignation, or completion of the term of the employment agreement.
- (h) **PUBLISH** means to communicate orally or in writing to anyone other than the plaintiff. This includes communications by one of the defendant's employees to others. (*Kelly v. General Telephone Co.* (1982) 136 Cal.App.3d 278, 284.)
- (i) **PLEADINGS** means the original or most recent amended version of any complaint, answer, cross-complaint, or answer to cross-complaint.
- (j) **BENEFIT** means any benefit from an **EMPLOYER**, including an "employee welfare benefit plan" or employee pension benefit plan" within the meaning of Title 29 United States Code section 1002(1) or (2) or ERISA.
- (k) **HEALTH CARE PROVIDER** includes any **PERSON** referred to in Code of Civil Procedure section 667.7(e)(3).
- (l) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, electronically stored information, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.
- (m) **ADDRESS** means the street address, including the city, state, and zip code.

Sec. 5. Interrogatories

The following interrogatories for employment law cases have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

CONTENTS

- 200.0 Contract Formation
- 201.0 Adverse Employment Action
- 202.0 Discrimination Interrogatories to Employee
- 203.0 Harassment Interrogatories to Employee
- 204.0 Disability Discrimination
- 205.0 Discharge in Violation of Public Policy
- 206.0 Defamation
- 207.0 Internal Complaints
- 208.0 Governmental Complaints
- 209.0 Other Employment Claims by Employee or Against Employer
- 210.0 Loss of income Interrogatories to Employee
- 211.0 Loss of income Interrogatories to Employer
- 212.0 Physical, Mental, or Emotional Injuries—Interrogatories to Employee
- 213.0 Other Damages Interrogatories to Employee
- 214.0 Insurance
- 215.0 Investigation
- 216.0 Denials and Special or Affirmative Defenses
- 217.0 Response to Request for Admissions

200.0 Contract Formation

- ☒ 200.1 Do you contend that the **EMPLOYMENT** relationship was at "at will"? If so:
- (a) state all facts upon which you base this contention;
 - (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of those facts; and
 - (c) identify all **DOCUMENTS** that support your contention.
- ☒ 200.2 Do you contend that the **EMPLOYMENT** relationship was not "at will"? If so:
- (a) state all facts upon which you base this contention;
 - (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of those facts; and
 - (c) identify all **DOCUMENTS** that support your contention.
- ☒ 200.3 Do you contend that the **EMPLOYMENT** relationship was governed by any agreement—written, oral, or implied? If so:
- (a) state all facts upon which you base this contention;
 - (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of those facts; and
 - (c) identify all **DOCUMENTS** that support your contention.

☒ 200.4 Was any part of the parties' **EMPLOYMENT** relationship governed in whole or in part by any written rules, guidelines, policies, or procedures established by the **EMPLOYER**? If so, for each **DOCUMENT** containing the written rules, guidelines, policies, or procedures:

- (a) state the date and title of the **DOCUMENT** and a general description of its contents;
- (b) state the manner in which the **DOCUMENT** was communicated to employees; and
- (c) state the manner, if any, in which employees acknowledged either receipt of the **DOCUMENT** or knowledge of its contents.

☒ 200.5 Was any part of the parties' **EMPLOYMENT** relationship covered by one or more collective bargaining agreements or memorandums of understanding between the **EMPLOYER** (or an association of employers) and any labor union or employee association? If so, for each collective bargaining agreement or memorandum of understanding, state:

- (a) the names and **ADDRESSES** of the parties to the collective bargaining agreement or memorandum of understanding;
- (b) the beginning and ending dates, if applicable, of the collective bargaining agreement or memorandum of understanding; and
- (c) which parts of the collective bargaining agreement or memorandum of understanding, if any, govern (1) any dispute or claim referred to in the **PLEADINGS** and (2) the rules or procedures for resolving any dispute or claim referred to in the **PLEADINGS**.

☒ 200.6 Do you contend that the **EMPLOYEE** and the **EMPLOYER** were in a business relationship other than an **EMPLOYMENT** relationship? If so, for each relationship:

- (a) state the names of the parties to the relationship;
- (b) identify the relationship; and
- (c) state all facts upon which you base your contention that the parties were in a relationship other than an **EMPLOYMENT** relationship.

201.0 Adverse Employment Action

☒ 201.1 Was the **EMPLOYEE** involved in a **TERMINATION**? If so:

- (a) state all reasons for the **EMPLOYEE'S TERMINATION**;
- (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who participated in the **TERMINATION** decision;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who provided any information relied upon in the **TERMINATION** decision; and
- (d) identify all **DOCUMENTS** relied upon in the **TERMINATION** decision.

☐ 201.2 Are there any facts that would support the **EMPLOYEE'S TERMINATION** that were first discovered after the **TERMINATION**? If so:

- (a) state the specific facts;
- (b) state when and how **EMPLOYER** first learned of each specific fact;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of the specific facts; and
- (d) identify all **DOCUMENTS** that evidence these specific facts.

☒ 201.3 Were there any other **ADVERSE EMPLOYMENT ACTIONS**, including (the asking party should list the **ADVERSE EMPLOYMENT ACTIONS**):

If so, for each action, provide the following:

- (a) all reasons for each **ADVERSE EMPLOYMENT ACTION**;
- (b) the name, **ADDRESS**, and telephone number of each **PERSON** who participated in making each **ADVERSE EMPLOYMENT ACTION** decision;
- (c) the name, **ADDRESS**, and telephone number of each **PERSON** who provided any information relied upon in making each **ADVERSE EMPLOYMENT ACTION** decision; and
- (d) the identity of all **DOCUMENTS** relied upon in making each **ADVERSE EMPLOYMENT ACTION** decision.

☒ 201.4 Was the **TERMINATION** or any other **ADVERSE EMPLOYMENT ACTIONS** referred to in Interrogatories 201.1 through 201.3 based in whole or in part on the **EMPLOYEE'S** job performance? If so, for each action:

- (a) identify the **ADVERSE EMPLOYMENT ACTION**;
- (b) identify the **EMPLOYEE'S** specific job performance that played a role in that **ADVERSE EMPLOYMENT ACTION**;
- (c) identify any rules, guidelines, policies, or procedures that were used to evaluate the **EMPLOYEE'S** specific job performance;
- (d) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who had responsibility for evaluating the specific job performance of the **EMPLOYEE**;
- (e) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the **EMPLOYEE'S** specific job performance that played a role in that **ADVERSE EMPLOYMENT ACTION**; and
- (f) describe all warnings given with respect to the **EMPLOYEE'S** specific job performance.

- ☐ 201.5 Was any **PERSON** hired to replace the **EMPLOYEE** after the **EMPLOYEE'S TERMINATION** or demotion? If so, state the **PERSON'S** name, job title, qualifications, **ADDRESS** and telephone number, and the date the **PERSON** was hired.
- ☐ 201.6 Has any **PERSON** performed any of the **EMPLOYEE'S** former job duties after the **EMPLOYEE'S TERMINATION** or demotion? If so:
- (a) state the **PERSON'S** name, job title, **ADDRESS**, and telephone number;
 - (b) identify the duties; and
 - (c) state the date on which the **PERSON** started to perform the duties.
- ☒ 201.7 If the **ADVERSE EMPLOYMENT ACTION** involved the failure or refusal to select the **EMPLOYEE** (for example, for hire, promotion, transfer, or training), was any other **PERSON** selected instead? If so, for each **ADVERSE EMPLOYMENT ACTION**, state the name, **ADDRESS**, and telephone number of each **PERSON** selected; the date the **PERSON** was selected; and the reason the **PERSON** was selected instead of the **EMPLOYEE**.

202.0 Discrimination—Interrogatories to Employee

- ☐ 202.1 Do you contend that any **ADVERSE EMPLOYMENT ACTIONS** against you were discriminatory? If so:
- (a) identify each **ADVERSE EMPLOYMENT ACTION** that involved unlawful discrimination;
 - (b) identify each characteristic (for example, gender, race, age, etc.) on which you base your claim or claims of discrimination;
 - (c) state all facts upon which you base each claim of discrimination;
 - (d) state the name, **ADDRESS**, and telephone number of each **PERSON** with knowledge of those facts; and
 - (e) identify all **DOCUMENTS** evidencing those facts.
- ☐ 202.2 State all facts upon which you base your contention that you were qualified to perform any job which you contend was denied to you on account of unlawful discrimination.

203.0 Harassment—Interrogatories to Employee

- ☐ 203.1 Do you contend that you were unlawfully harassed in your employment? If so:
- (a) state the name, **ADDRESS**, telephone number, and employment position of each **PERSON** whom you contend harassed you;
 - (b) for each **PERSON** whom you contend harassed you, describe the harassment;

- (c) identify each characteristic (for example, gender, race, age, etc.) on which you base your claim of harassment;
- (d) state all facts upon which you base your contention that you were unlawfully harassed;
- (e) state the name, **ADDRESS**, and telephone number of each **PERSON** with knowledge of those facts; and
- (f) identify all **DOCUMENTS** evidencing those facts.

204.0 Disability Discrimination

- ☐ 204.1 Name and describe each disability alleged in the **PLEADINGS**.
- ☐ 204.2 Does the **EMPLOYEE** allege any injury or illness that arose out of or in the course of **EMPLOYMENT**? If so, state:
- (a) the nature of such injury or illness;
 - (b) how such injury or illness occurred;
 - (c) the date on which such injury or illness occurred;
 - (d) whether **EMPLOYEE** has filed a workers' compensation claim. If so, state the date and outcome of the claim; and
 - (e) whether **EMPLOYEE** has filed or applied for disability benefits of any type. If so, state the date, identify the nature of the benefits applied for, and the outcome of any such application.
- ☐ 204.3 Were there any communications between the **EMPLOYEE** (or the **EMPLOYEE'S HEALTH CARE PROVIDER**) and the **EMPLOYER** about the type or extent of any disability of **EMPLOYEE**? If so:
- (a) state the name, **ADDRESS**, and telephone number of each person who made or received the communications;
 - (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who witnessed the communications;
 - (c) describe the date and substance of the communications; and
 - (d) identify each **DOCUMENT** that refers to the communications.
- ☐ 204.4 Did the **EMPLOYER** have any information about the type, existence, or extent of any disability of **EMPLOYEE** other than from communications with the **EMPLOYEE** or the **EMPLOYEE'S HEALTH CARE PROVIDER**? If so, state the sources and substance of that information and the name, **ADDRESS**, and telephone number of each **PERSON** who provided or received the information.
- ☐ 204.5 Did the **EMPLOYEE** need any accommodation to perform any function of the **EMPLOYEE'S** job position or need a transfer to another position as an accommodation? If so, describe the accommodations needed.

☐ 204.6 Were there any communications between the **EMPLOYEE** (or the **EMPLOYEE'S HEALTH CARE PROVIDER**) and the **EMPLOYER** about any possible accommodation of **EMPLOYEE**? If so, for each communication:

- (a) state the name, **ADDRESS**, and telephone number of each **PERSON** who made or received the communication;
- (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who witnessed the communication;
- (c) describe the date and substance of the communication; and
- (d) identify each **DOCUMENT** that refers to the communication.

☐ 204.7 What did the **EMPLOYER** consider doing to accommodate the **EMPLOYEE**? For each accommodation considered:

- (a) describe the accommodation considered;
- (b) state whether the accommodation was offered to the **EMPLOYEE**;
- (c) state the **EMPLOYEE'S** response; or
- (d) if the accommodation was not offered, state all the reasons why this decision was made;
- (e) state the name, **ADDRESS**, and telephone number of each **PERSON** who on behalf of **EMPLOYER** made any decision about what accommodations, if any, to make for the **EMPLOYEE**; and
- (f) state the name, **ADDRESS**, and telephone number of each **PERSON** who on behalf of the **EMPLOYER** made or received any communications about what accommodations, if any, to make for the **EMPLOYEE**.

205.0 Discharge in Violation of Public Policy

☐ 205.1 Do you contend that the **EMPLOYER** took any **ADVERSE EMPLOYMENT ACTION** against you in violation of public policy? If so:

- (a) identify the constitutional provision, statute, regulation, or other source of the public policy that you contend was violated; and
- (b) state all facts upon which you base your contention that the **EMPLOYER** violated public policy

206.0 Defamation

☐ 206.1 Did the **EMPLOYER'S** agents or employees **PUBLISH** any of the allegedly defamatory statements identified in the **PLEADINGS**? If so, for each statement:

- (a) identify the **PUBLISHED** statement;
- (b) state the name, **ADDRESS**, telephone number, and job title of each person who **PUBLISHED** the statement;
- (c) state the name, **ADDRESS**, and telephone number of each person to whom the statement was **PUBLISHED**;

- (d) state whether, at the time the statement was **PUBLISHED**, the **PERSON** who **PUBLISHED** the statement believed it to be true; and
- (e) state all facts upon which the **PERSON** who published the statement based the belief that it was true.

☐ 206.2 State the name and **ADDRESS** of each agent or employee of the **EMPLOYER** who responded to any inquiries regarding the **EMPLOYEE** after the **EMPLOYEE'S TERMINATION**.

☐ 206.3 State the name and **ADDRESS** of the recipient and the substance of each post-**TERMINATION** statement **PUBLISHED** about **EMPLOYEE** by any agent or employee of **EMPLOYER**.

207.0 Internal Complaints

☒ 207.1 Were there any internal written policies or regulations of the **EMPLOYER** that apply to the making of a complaint of the type that is the subject matter of this lawsuit? If so:

- (a) state the title and date of each **DOCUMENT** containing the policies or regulations and a general description of the **DOCUMENT'S** contents;
- (b) state the manner in which the **DOCUMENT** was communicated to **EMPLOYEES**;
- (c) state the manner, if any, in which **EMPLOYEES** acknowledged receipt of the **DOCUMENT** or knowledge of its contents, or both;
- (d) state, if you contend that the **EMPLOYEE** failed to use any available internal complaint procedures, all facts that support that contention; and
- (e) state, if you contend that the **EMPLOYEE'S** failure to use internal complaint procedures was excused, all facts why the **EMPLOYEE'S** use of the procedures was excused.

☒ 207.2 Did the **EMPLOYEE** complain to the **EMPLOYER** about any of the unlawful conduct alleged in the **PLEADINGS**? If so, for each complaint:

- (a) state the date of the complaint;
- (b) state the nature of the complaint;
- (c) state the name and **ADDRESS** of each **PERSON** to whom the complaint was made;
- (d) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who investigated the complaint;
- (e) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who participated in making decisions about how to conduct the investigation;

- (f) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who was interviewed or who provided an oral or written statement as part of the investigation of the complaint;
- (g) state the nature and date of any action taken in response to the complaint;
- (h) state whether the **EMPLOYEE** who made the complaint was made aware of the actions taken by the **EMPLOYER** in response to the complaint, and, if so, state how and when;
- (i) identify all **DOCUMENTS** relating to the complaint, the investigation, and any action taken in response to the complaint; and
- (j) state the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of the **EMPLOYEE'S** complaint or the **EMPLOYER'S** response to the complaint.

208.0 Governmental Complaints

- ☒ 208.1 Did the **EMPLOYEE** file a claim, complaint, or charge with any governmental agency that involved any of the material allegations made in the **PLEADINGS**? If so, for each claim, complaint, or charge:
 - (a) state the date on which it was filed;
 - (b) state the name and **ADDRESS** of the agency with which it was filed;
 - (c) state the number assigned to the claim, complaint, or charge by the agency;
 - (d) state the nature of each claim, complaint, or charge made;
 - (e) state the date on which the **EMPLOYER** was notified of the claim, complaint, or charge;
 - (f) state the name, **ADDRESS**, and telephone number of all **PERSONS** within the governmental agency with whom the **EMPLOYER** has had any contact or communication regarding the claim, complaint, or charge;
 - (g) state whether a right to sue notice was issued and, if so, when; and
 - (h) state whether any findings or conclusions regarding the complaint or charge have been made, and, if so, the date and description of the agency's findings or conclusions.
- ☒ 208.2 Did the **EMPLOYER** respond to any claim, complaint, or charge identified in Interrogatory 208.1? If so, for each claim, complaint, or charge:
 - (a) state the nature and date of any investigation done or any other action taken by the **EMPLOYER** in response to the claim, complaint, or charge;
 - (b) state the name, **ADDRESS**, telephone number, and job title of each person who investigated the claim, complaint, or charge;
 - (c) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who participated in making decisions about how to conduct the investigation; and

- (d) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who was interviewed or who provided an oral or written statement as part of the investigation.

209.0 Other Employment Claims by Employee or Against Employer

- ☐ 209.1 Except for this action, in the past 10 years has the **EMPLOYEE** filed a civil action against any employer regarding the **EMPLOYEE'S** employment? If so, for each civil action:
 - (a) state the name, **ADDRESS**, and telephone number of each employer against whom the action was filed;
 - (b) state the court, names of the parties, and case number of the civil action;
 - (c) state the name, **ADDRESS**, and telephone number of any attorney representing the **EMPLOYEE**; and
 - (d) state whether the action has been resolved or is pending.
- ☒ 209.2 Except for this action, in the past 10 years has any employee filed a civil action against the **EMPLOYER** regarding his or her employment? If so, for each civil action:
 - (a) state the name, **ADDRESS**, and telephone number of each employee who filed the action;
 - (b) state the court, names of the parties, and case number of the civil action;
 - (c) state the name, **ADDRESS**, and telephone number of any attorney representing the **EMPLOYER**; and
 - (d) state whether the action has been resolved or is pending.

210.0 Loss of income—Interrogatories to Employee

- ☐ 210.1 Do you attribute any loss of income, benefits, or earning capacity to any **ADVERSE EMPLOYMENT ACTION**? (If your answer is "no," do not answer Interrogatories 210.2 through 210.6.)
- ☐ 210.2 State the total amount of income, benefits, or earning capacity you have lost to date and how the amount was calculated.
- ☐ 210.3 Will you lose income, benefits, or earning capacity in the future as a result of any **ADVERSE EMPLOYMENT ACTION**? If so, state the total amount of income, benefits, or earning capacity you expect to lose, and how the amount was calculated.
- ☐ 210.4 Have you attempted to minimize the amount of your lost income? If so, describe how; if not, explain why not.

☐ 210.5 Have you purchased any benefits to replace any benefits to which you would have been entitled if the **ADVERSE EMPLOYMENT ACTION** had not occurred? If so, state the cost for each benefit purchased.

☐ 210.6 Have you obtained other employment since any **ADVERSE EMPLOYMENT ACTION**? If so, for each new employment:

- (a) state when the new employment commenced;
- (b) state the hourly rate or monthly salary for the new employment; and
- (c) state the benefits available from the new employment.

211.0 Loss of Income—Interrogatories to Employer
[See instruction 2(d).]

☒ 211.1 Identify each type of **BENEFIT** to which the **EMPLOYEE** would have been entitled, from the date of the **ADVERSE EMPLOYMENT ACTION** to the present, if the **ADVERSE EMPLOYMENT ACTION** had not happened and the **EMPLOYEE** had remained in the same job position. For each type of benefit, state the amount the **EMPLOYER** would have paid to provide the benefit for the **EMPLOYEE** during this time period and the value of the **BENEFIT** to the **EMPLOYEE**.

☒ 211.2 Do you contend that the **EMPLOYEE** has not made reasonable efforts to minimize the amount of the **EMPLOYEE'S** lost income? If so:

- (a) describe what more **EMPLOYEE** should have done;
- (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts that support your contention; and
- (c) identify all **DOCUMENTS** that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

☒ 211.3 Do you contend that any of the lost income claimed by the **EMPLOYEE**, as disclosed in discovery thus far in this case, is unreasonable or was not caused by the **ADVERSE EMPLOYMENT ACTION**? If so:

- (a) state the amount of claimed lost income that you dispute;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

212.0 Physical, Mental, or Emotional Injuries—
Interrogatories to Employee

☐ 212.1 Do you attribute any physical, mental, or emotional injuries to the **ADVERSE EMPLOYMENT ACTION**? (If your answer is "no," do not answer Interrogatories 212.2 through 212.7.)

☐ 212.2 Identify each physical, mental, or emotional injury that you attribute to the **ADVERSE EMPLOYMENT ACTION** and the area of your body affected.

☐ 212.3 Do you still have any complaints of physical, mental, or emotional injuries that you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each complaint state:

- (a) a description of the injury;
- (b) whether the complaint is subsiding, remaining the same, or becoming worse; and
- (c) the frequency and duration.

☐ 212.4 Did you receive any consultation or examination (except from expert witnesses covered by Code of Civil Procedure section 2034) or treatment from a **HEALTH CARE PROVIDER** for any injury you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each **HEALTH CARE PROVIDER** state:

- (a) the name, **ADDRESS**, and telephone number;
- (b) the type of consultation, examination, or treatment provided;
- (c) the dates you received consultation, examination, or treatment; and
- (d) the charges to date.

☐ 212.5 Have you taken any medication, prescribed or not, as a result of injuries that you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each medication state:

- (a) the name of the medication;
- (b) the name, **ADDRESS** and telephone number of the **PERSON** who prescribed or furnished it;
- (c) the date prescribed or furnished;
- (d) the dates you began and stopped taking it; and
- (e) the cost to date.

☐ 212.6 Are there any other medical services not previously listed in response to interrogatory 212.4 (for example, ambulance, nursing, prosthetics) that you received for injuries attributed to the **ADVERSE EMPLOYMENT ACTION**? If so, for each service state:

- (a) the nature;
- (b) the date;
- (c) the cost; and
- (d) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER**.

☐ 212.7 Has any **HEALTH CARE PROVIDER** advised that you may require future or additional treatment for any injuries that you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each injury state:

- (a) the name and **ADDRESS** of each **HEALTH CARE PROVIDER**;
- (b) the complaints for which the treatment was advised; and
- (c) the nature, duration, and estimated cost of the treatment.

213.0 Other Damages—Interrogatories to Employee

☐ 213.1 Are there any other damages that you attribute to the **ADVERSE EMPLOYMENT ACTION**? If so, for each item of damage state:

- (a) the nature;
- (b) the date it occurred;
- (c) the amount; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has knowledge of the nature or amount of the damage.

☐ 213.2 Do any **DOCUMENTS** support the existence or amount of any item of damages claimed in Interrogatory 213.1? If so, identify the **DOCUMENTS** and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

214.0 Insurance

☒ 214.1 At the time of the **ADVERSE EMPLOYMENT ACTION**, was there in effect any policy of insurance through which you were or might be insured in any manner for the damages, claims, or actions that have arisen out of the **ADVERSE EMPLOYMENT ACTION**? If so, for each policy state:

- (a) the kind of coverage;
- (b) the name and **ADDRESS** of the insurance company;
- (c) the name, **ADDRESS**, and telephone number of each named insured;
- (d) the policy number;
- (e) the limits of coverage for each type of coverage contained in the policy;
- (f) whether any reservation of rights or controversy or coverage dispute exists between you and the insurance company; and
- (g) the name, **ADDRESS**, and telephone number of the custodian of the policy.

☒ 214.2 Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the **ADVERSE EMPLOYMENT ACTION**? If so, specify the statute.

215.0 Investigation

☒ 215.1 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual concerning the **ADVERSE EMPLOYMENT ACTION**? If so, for each individual state:

- (a) the name, **ADDRESS**, and telephone number of the individual interviewed;
- (b) the date of the interview; and
- (c) the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the interview.

☒ 215.2 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or recorded statement from any individual concerning the **ADVERSE EMPLOYMENT ACTION**? If so, for each statement state:

- (a) the name, **ADDRESS**, and telephone number of the individual from whom the statement was obtained;
- (b) the name, **ADDRESS**, and telephone number of the individual who obtained the statement;
- (c) the date the statement was obtained; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original statement or a copy.

216.0 Denials and Special or Affirmative Defenses

☒ 216.1 Identify each denial of a material allegation and each special or affirmative defense in your **PLEADINGS** and for each:

- (a) state all facts upon which you base the denial or special or affirmative defense;
- (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
- (c) identify all **DOCUMENTS** and all other tangible things, that support your denial or special or affirmative defense, and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

217.0 Response to Request for Admissions

☐ 217.1 Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:

- (a) state the number of the request;
- (b) state all facts upon which you base your response;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your response and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Nicole A. Silveira, Esq. (SBN 256782)

KODAM & ASSOCIATES, P.C.

41880 Kalmia Street, Suite 130, Murrieta, CA 92562

TELEPHONE NO.: (951) 445-4905

FAX NO. (Optional): (951) 445-4906

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Plaintiff, Donald Lake

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego

330 West Broadway, San Diego, CA 92101

SHORT TITLE OF CASE: Lake v. Department of Financial Institutions

FORM INTERROGATORIES—GENERAL

Asking Party: Plaintiff, Donald Lake

CASE NUMBER:

37-2009-00102604-CU-OE-CTL

Answering Party: Defendant, Robert Venchiarutti

Set No.: 1

Sec. 1. Instructions to All Parties

(a) Interrogatories are written questions prepared by a party to an action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use in civil cases.

(b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010–2030.410 and the cases construing those sections.

(c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or make any objection.

Sec. 2. Instructions to the Asking Party

(a) These interrogatories are designed for optional use by parties in unlimited civil cases where the amount demanded exceeds \$25,000. Separate interrogatories, *Form Interrogatories—Economic Litigation* (form FI-129), which have no subparts, are designed for use in limited civil cases where the amount demanded is \$25,000 or less; however, those interrogatories may also be used in unlimited civil cases.

(b) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those interrogatories that are applicable to the case.

(c) You may insert your own definition of **INCIDENT** in Section 4, but only where the action arises from a course of conduct or a series of events occurring over a period of time.

(d) The interrogatories in section 16.0, Defendant's Contentions—Personal Injury, should not be used until the defendant has had a reasonable opportunity to conduct an investigation or discovery of plaintiff's injuries and damages.

(e) Additional interrogatories may be attached.

Sec. 3. Instructions to the Answering Party

(a) An answer or other appropriate response must be given to each interrogatory checked by the asking party.

(b) As a general rule, within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared. See Code of Civil Procedure sections 2030.260–2030.270 for details.

(c) Each answer must be as complete and straightforward as the information reasonably available to you, including the information possessed by your attorneys or agents, permits. If an interrogatory cannot be answered completely, answer it to the extent possible.

(d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.

(e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

(f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.

(g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.

(h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.

(DATE)

(SIGNATURE)

Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

(a) (Check one of the following):

- ☒ (1) **INCIDENT** includes the circumstances and events surrounding the alleged accident, injury, or other occurrence or breach of contract giving rise to this action or proceeding.

- ☐ (2) **INCIDENT** means (insert your definition here or on a separate, attached sheet labeled "Sec. 4(a)(2)");

(b) YOU OR ANYONE ACTING ON YOUR BEHALF

includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.

(c) **PERSON** includes a natural person, firm, association, organization, partnership, business, trust, limited liability company, corporation, or public entity.

(d) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, electronically stored information, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.

(e) **HEALTH CARE PROVIDER** includes any **PERSON** referred to in Code of Civil Procedure section 667.7(e)(3).

(f) **ADDRESS** means the street address, including the city, state, and zip code.

Sec. 5. Interrogatories

The following interrogatories have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

CONTENTS

- 1.0 Identity of Persons Answering These Interrogatories
- 2.0 General Background Information—Individual
- 3.0 General Background Information—Business Entity
- 4.0 Insurance
- 5.0 [Reserved]
- 6.0 Physical, Mental, or Emotional Injuries
- 7.0 Property Damage
- 8.0 Loss of Income or Earning Capacity
- 9.0 Other Damages
- 10.0 Medical History
- 11.0 Other Claims and Previous Claims
- 12.0 Investigation—General
- 13.0 Investigation—Surveillance
- 14.0 Statutory or Regulatory Violations
- 15.0 Denials and Special or Affirmative Defenses
- 16.0 Defendant's Contentions Personal Injury
- 17.0 Responses to Request for Admissions
- 18.0 [Reserved]
- 19.0 [Reserved]
- 20.0 How the Incident Occurred—Motor Vehicle
- 25.0 [Reserved]
- 30.0 [Reserved]
- 40.0 [Reserved]
- 50.0 Contract
- 60.0 [Reserved]
- 70.0 Unlawful Detainer [See separate form FI-128]
- 101.0 Economic Litigation [See separate form FI-129]
- 200.0 Employment Law [See separate form FI-130]
- Family Law [See separate form 1292.10]

1.0 Identity of Persons Answering These Interrogatories

- ☒ 1.1 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON** who prepared or assisted in the preparation of the responses to these interrogatories. (Do not identify anyone who simply typed or reproduced the responses.)

2.0 General Background Information—individual

- ☒ 2.1 State:
- (a) your name;
 - (b) every name you have used in the past; and
 - (c) the dates you used each name.
- ☒ 2.2 State the date and place of your birth.
- ☒ 2.3 At the time of the **INCIDENT**, did you have a driver's license? If so state:
- (a) the state or other issuing entity;
 - (b) the license number and type;
 - (c) the date of issuance; and
 - (d) all restrictions.
- ☒ 2.4 At the time of the **INCIDENT**, did you have any other permit or license for the operation of a motor vehicle? If so, state:
- (a) the state or other issuing entity;
 - (b) the license number and type;
 - (c) the date of issuance; and
 - (d) all restrictions.
- ☒ 2.5 State:
- (a) your present residence **ADDRESS**;
 - (b) your residence **ADDRESSES** for the past five years; and
 - (c) the dates you lived at each **ADDRESS**.
- ☒ 2.6 State:
- (a) the name, **ADDRESS**, and telephone number of your present employer or place of self-employment; and
 - (b) the name, **ADDRESS**, dates of employment, job title, and nature of work for each employer or self-employment you have had from five years before the **INCIDENT** until today.
- ☒ 2.7 State:
- (a) the name and **ADDRESS** of each school or other academic or vocational institution you have attended, beginning with high school;
 - (b) the dates you attended;
 - (c) the highest grade level you have completed; and
 - (d) the degrees received.
- ☒ 2.8 Have you ever been convicted of a felony? If so, for each conviction state:
- (a) the city and state where you were convicted;
 - (b) the date of conviction;
 - (c) the offense; and
 - (d) the court and case number.
- ☒ 2.9 Can you speak English with ease? If not, what language and dialect do you normally use?
- ☒ 2.10 Can you read and write English with ease? If not, what language and dialect do you normally use?

- ☒ 2.11 At the time of the **INCIDENT** were you acting as an agent or employee for any **PERSON**? If so, state:
 (a) the name, **ADDRESS**, and telephone number of that **PERSON**; and
 (b) a description of your duties.
- ☒ 2.12 At the time of the **INCIDENT** did you or any other person have any physical, emotional, or mental disability or condition that may have contributed to the occurrence of the **INCIDENT**? If so, for each person state:
 (a) the name, **ADDRESS**, and telephone number;
 (b) the nature of the disability or condition; and
 (c) the manner in which the disability or condition contributed to the occurrence of the **INCIDENT**.
- ☒ 2.13 Within 24 hours before the **INCIDENT** did you or any person involved in the **INCIDENT** use or take any of the following substances: alcoholic beverage, marijuana, or other drug or medication of any kind (prescription or not)? If so, for each person state:
 (a) the name, **ADDRESS**, and telephone number;
 (b) the nature or description of each substance;
 (c) the quantity of each substance used or taken;
 (d) the date and time of day when each substance was used or taken;
 (e) the **ADDRESS** where each substance was used or taken;
 (f) the name, **ADDRESS**, and telephone number of each person who was present when each substance was used or taken; and
 (g) the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who prescribed or furnished the substance and the condition for which it was prescribed or furnished.

3.0 General Background Information—Business Entity

- ☐ 3.1 Are you a corporation? If so, state:
 (a) the name stated in the current articles of incorporation;
 (b) all other names used by the corporation during the past 10 years and the dates each was used;
 (c) the date and place of incorporation;
 (d) the **ADDRESS** of the principal place of business; and
 (e) whether you are qualified to do business in California.
- ☐ 3.2 Are you a partnership? If so, state:
 (a) the current partnership name;
 (b) all other names used by the partnership during the past 10 years and the dates each was used;
 (c) whether you are a limited partnership and, if so, under the laws of what jurisdiction;
 (d) the name and **ADDRESS** of each general partner; and
 (e) the **ADDRESS** of the principal place of business.
- ☐ 3.3 Are you a limited liability company? If so, state:
 (a) the name stated in the current articles of organization;
 (b) all other names used by the company during the past 10 years and the date each was used;
 (c) the date and place of filing of the articles of organization;
 (d) the **ADDRESS** of the principal place of business; and
 (e) whether you are qualified to do business in California.

- ☐ 3.4 Are you a joint venture? If so, state:
 (a) the current joint venture name;
 (b) all other names used by the joint venture during the past 10 years and the dates each was used;
 (c) the name and **ADDRESS** of each joint venturer; and
 (d) the **ADDRESS** of the principal place of business.
- ☐ 3.5 Are you an unincorporated association? If so, state:
 (a) the current unincorporated association name;
 (b) all other names used by the unincorporated association during the past 10 years and the dates each was used; and
 (c) the **ADDRESS** of the principal place of business.
- ☐ 3.6 Have you done business under a fictitious name during the past 10 years? If so, for each fictitious name state:
 (a) the name;
 (b) the dates each was used;
 (c) the state and county of each fictitious name filing; and
 (d) the **ADDRESS** of the principal place of business.
- ☐ 3.7 Within the past five years has any public entity registered or licensed your business? If so, for each license or registration:
 (a) identify the license or registration;
 (b) state the name of the public entity; and
 (c) state the dates of issuance and expiration.

4.0 Insurance

- ☐ 4.1 At the time of the **INCIDENT**, was there in effect any policy of insurance through which you were or might be insured in any manner (for example, primary, pro-rata, or excess liability coverage or medical expense coverage) for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, for each policy state:
 (a) the kind of coverage;
 (b) the name and **ADDRESS** of the insurance company;
 (c) the name, **ADDRESS**, and telephone number of each named insured;
 (d) the policy number;
 (e) the limits of coverage for each type of coverage contained in the policy;
 (f) whether any reservation of rights or controversy or coverage dispute exists between you and the insurance company; and
 (g) the name, **ADDRESS**, and telephone number of the custodian of the policy.
- ☐ 4.2 Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, specify the statute.

5.0 [Reserved]

6.0 Physical, Mental, or Emotional Injuries

- ☐ 6.1 Do you attribute any physical, mental, or emotional injuries to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 6.2 through 6.7).
- ☐ 6.2 Identify each injury you attribute to the **INCIDENT** and the area of your body affected.

☐ 6.3 Do you still have any complaints that you attribute to the **INCIDENT**? If so, for each complaint state:

- (a) a description;
- (b) whether the complaint is subsiding, remaining the same, or becoming worse; and
- (c) the frequency and duration.

☐ 6.4 Did you receive any consultation or examination (except from expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) or treatment from a **HEALTH CARE PROVIDER** for any injury you attribute to the **INCIDENT**? If so, for each **HEALTH CARE PROVIDER** state:

- (a) the name, **ADDRESS**, and telephone number;
- (b) the type of consultation, examination, or treatment provided;
- (c) the dates you received consultation, examination, or treatment; and
- (d) the charges to date.

☐ 6.5 Have you taken any medication, prescribed or not, as a result of injuries that you attribute to the **INCIDENT**? If so, for each medication state:

- (a) the name;
- (b) the **PERSON** who prescribed or furnished it;
- (c) the date it was prescribed or furnished;
- (d) the dates you began and stopped taking it; and
- (e) the cost to date.

☐ 6.6 Are there any other medical services necessitated by the injuries that you attribute to the **INCIDENT** that were not previously listed (for example, ambulance, nursing, prosthetics)? If so, for each service state:

- (a) the nature;
- (b) the date;
- (c) the cost; and
- (d) the name, **ADDRESS**, and telephone number of each provider.

☐ 6.7 Has any **HEALTH CARE PROVIDER** advised that you may require future or additional treatment for any injuries that you attribute to the **INCIDENT**? If so, for each injury state:

- (a) the name and **ADDRESS** of each **HEALTH CARE PROVIDER**;
- (b) the complaints for which the treatment was advised; and
- (c) the nature, duration, and estimated cost of the treatment.

7.0 Property Damage

☐ 7.1 Do you attribute any loss of or damage to a vehicle or other property to the **INCIDENT**? If so, for each item of property:

- (a) describe the property;
- (b) describe the nature and location of the damage to the property;

- (c) state the amount of damage you are claiming for each item of property and how the amount was calculated; and
- (d) if the property was sold, state the name, **ADDRESS**, and telephone number of the seller, the date of sale, and the sale price.

☐ 7.2 Has a written estimate or evaluation been made for any item of property referred to in your answer to the preceding interrogatory? If so, for each estimate or evaluation state:

- (a) the name, **ADDRESS**, and telephone number of the **PERSON** who prepared it and the date prepared;
- (b) the name, **ADDRESS**, and telephone number of each **PERSON** who has a copy of it; and
- (c) the amount of damage stated.

☐ 7.3 Has any item of property referred to in your answer to interrogatory 7.1 been repaired? If so, for each item state:

- (a) the date repaired;
- (b) a description of the repair;
- (c) the repair cost;
- (d) the name, **ADDRESS**, and telephone number of the **PERSON** who repaired it;
- (e) the name, **ADDRESS**, and telephone number of the **PERSON** who paid for the repair.

8.0 Loss of Income or Earning Capacity

☐ 8.1 Do you attribute any loss of income or earning capacity to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 8.2 through 8.8).

☐ 8.2 State:

- (a) the nature of your work;
- (b) your job title at the time of the **INCIDENT**; and
- (c) the date your employment began.

☐ 8.3 State the last date before the **INCIDENT** that you worked for compensation.

☐ 8.4 State your monthly income at the time of the **INCIDENT** and how the amount was calculated.

☐ 8.5 State the date you returned to work at each place of employment following the **INCIDENT**.

☐ 8.6 State the dates you did not work and for which you lost income as a result of the **INCIDENT**.

☐ 8.7 State the total income you have lost to date as a result of the **INCIDENT** and how the amount was calculated.

☐ 8.8 Will you lose income in the future as a result of the **INCIDENT**? If so, state:

- (a) the facts upon which you base this contention;
- (b) an estimate of the amount;
- (c) an estimate of how long you will be unable to work; and
- (d) how the claim for future income is calculated.

9.0 Other Damages

- ☒ 9.1 Are there any other damages that you attribute to the **INCIDENT**? If so, for each item of damage state:
- (a) the nature;
 - (b) the date it occurred;
 - (c) the amount; and
 - (d) the name, **ADDRESS**, and telephone number of each **PERSON** to whom an obligation was incurred.
- ☒ 9.2 Do any **DOCUMENTS** support the existence or amount of any item of damages claimed in interrogatory 9.1? If so, describe each document and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

10.0 Medical History

- ☐ 10.1 At any time before the **INCIDENT** did you have complaints or injuries that involved the same part of your body claimed to have been injured in the **INCIDENT**? If so, for each state:
- (a) a description of the complaint or injury;
 - (b) the dates it began and ended; and
 - (c) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** whom you consulted or who examined or treated you.
- ☐ 10.2 List all physical, mental, and emotional disabilities you had immediately before the **INCIDENT**. *(You may omit mental or emotional disabilities unless you attribute any mental or emotional injury to the **INCIDENT**.)*
- ☐ 10.3 At any time after the **INCIDENT**, did you sustain injuries of the kind for which you are now claiming damages? If so, for each incident giving rise to an injury state:
- (a) the date and the place it occurred;
 - (b) the name, **ADDRESS**, and telephone number of any other **PERSON** involved;
 - (c) the nature of any injuries you sustained;
 - (d) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** who you consulted or who examined or treated you; and
 - (e) the nature of the treatment and its duration.

11.0 Other Claims and Previous Claims

- ☐ 11.1 Except for this action, in the past 10 years have you filed an action or made a written claim or demand for compensation for your personal injuries? If so, for each action, claim, or demand state:
- (a) the date, time, and place and location (closest street **ADDRESS** or intersection) of the **INCIDENT** giving rise to the action, claim, or demand;
 - (b) the name, **ADDRESS**, and telephone number of each **PERSON** against whom the claim or demand was made or the action filed;

- (c) the court, names of the parties, and case number of any action filed;
- (d) the name, **ADDRESS**, and telephone number of any attorney representing you;
- (e) whether the claim or action has been resolved or is pending; and
- (f) a description of the injury.

- ☐ 11.2 In the past 10 years have you made a written claim or demand for workers' compensation benefits? If so, for each claim or demand state:
- (a) the date, time, and place of the **INCIDENT** giving rise to the claim;
 - (b) the name, **ADDRESS**, and telephone number of your employer at the time of the injury;
 - (c) the name, **ADDRESS**, and telephone number of the workers' compensation insurer and the claim number;
 - (d) the period of time during which you received workers' compensation benefits;
 - (e) a description of the injury;
 - (f) the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who provided services; and
 - (g) the case number at the Workers' Compensation Appeals Board.

12.0 Investigation—General

- ☒ 12.1 State the name, **ADDRESS**, and telephone number of each individual:
- (a) who witnessed the **INCIDENT** or the events occurring immediately before or after the **INCIDENT**;
 - (b) who made any statement at the scene of the **INCIDENT**;
 - (c) who heard any statements made about the **INCIDENT** by any individual at the scene; and
 - (d) who **YOU OR ANYONE ACTING ON YOUR BEHALF** claim has knowledge of the **INCIDENT** (except for expert witnesses covered by Code of Civil Procedure section 2034).
- ☒ 12.2 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual concerning the **INCIDENT**? If so, for each individual state:
- (a) the name, **ADDRESS**, and telephone number of the individual interviewed;
 - (b) the date of the interview; and
 - (c) the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the interview.
- ☒ 12.3 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or recorded statement from any individual concerning the **INCIDENT**? If so, for each statement state:
- (a) the name, **ADDRESS**, and telephone number of the individual from whom the statement was obtained;
 - (b) the name, **ADDRESS**, and telephone number of the individual who obtained the statement;
 - (c) the date the statement was obtained; and
 - (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original statement or a copy

- ☒ 12.4 Do YOU OR ANYONE ACTING ON YOUR BEHALF know of any photographs, films, or videotapes depicting any place, object, or individual concerning the INCIDENT or plaintiff's injuries? If so, state:

- (a) the number of photographs or feet of film or videotape;
- (b) the places, objects, or persons photographed, filmed, or videotaped;
- (c) the date the photographs, films, or videotapes were taken;
- (d) the name, ADDRESS, and telephone number of the individual taking the photographs, films, or videotapes; and
- (e) the name, ADDRESS, and telephone number of each PERSON who has the original or a copy of the photographs, films, or videotapes.

- ☒ 12.5 Do YOU OR ANYONE ACTING ON YOUR BEHALF know of any diagram, reproduction, or model of any place or thing (except for items developed by expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) concerning the INCIDENT? If so, for each item state:

- (a) the type (i.e., diagram, reproduction, or model);
- (b) the subject matter; and
- (c) the name, ADDRESS, and telephone number of each PERSON who has it.

- ☒ 12.6 Was a report made by any PERSON concerning the INCIDENT? If so, state:

- (a) the name, title, identification number, and employer of the PERSON who made the report;
- (b) the date and type of report made;
- (c) the name, ADDRESS, and telephone number of the PERSON for whom the report was made; and
- (d) the name, ADDRESS, and telephone number of each PERSON who has the original or a copy of the report.

- ☒ 12.7 Have YOU OR ANYONE ACTING ON YOUR BEHALF inspected the scene of the INCIDENT? If so, for each inspection state:

- (a) the name, ADDRESS, and telephone number of the individual making the inspection (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310); and
- (b) the date of the inspection.

13.0 Investigation—Surveillance

- ☒ 13.1 Have YOU OR ANYONE ACTING ON YOUR BEHALF conducted surveillance of any individual involved in the INCIDENT or any party to this action? If so, for each surveillance state:

- (a) the name, ADDRESS, and telephone number of the individual or party;
- (b) the time, date, and place of the surveillance;
- (c) the name, ADDRESS, and telephone number of the individual who conducted the surveillance; and
- (d) the name, ADDRESS, and telephone number of each PERSON who has the original or a copy of any surveillance photograph, film, or videotape.

- ☒ 13.2 Has a written report been prepared on the surveillance? If so, for each written report state:

- (a) the title;
- (b) the date;
- (c) the name, ADDRESS, and telephone number of the individual who prepared the report; and
- (d) the name, ADDRESS, and telephone number of each PERSON who has the original or a copy.

14.0 Statutory or Regulatory Violations

- ☒ 14.1 Do YOU OR ANYONE ACTING ON YOUR BEHALF contend that any PERSON involved in the INCIDENT violated any statute, ordinance, or regulation and that the violation was a legal (proximate) cause of the INCIDENT? If so, identify the name, ADDRESS, and telephone number of each PERSON and the statute, ordinance, or regulation that was violated.

- ☒ 14.2 Was any PERSON cited or charged with a violation of any statute, ordinance, or regulation as a result of this INCIDENT? If so, for each PERSON state:

- (a) the name, ADDRESS, and telephone number of the PERSON;
- (b) the statute, ordinance, or regulation allegedly violated;
- (c) whether the PERSON entered a plea in response to the citation or charge and, if so, the plea entered; and
- (d) the name and ADDRESS of the court or administrative agency, names of the parties, and case number.

15.0 Denials and Special or Affirmative Defenses

- ☒ 15.1 Identify each denial of a material allegation and each special or affirmative defense in your pleadings and for each:

- (a) state all facts upon which you base the denial or special or affirmative defense;
- (b) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of those facts; and
- (c) identify all DOCUMENTS and other tangible things that support your denial or special or affirmative defense, and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT.

16.0 Defendant's Contentions—Personal Injury

- ☐ 16.1 Do you contend that any PERSON, other than you or plaintiff, contributed to the occurrence of the INCIDENT or the injuries or damages claimed by plaintiff? If so, for each PERSON:

- (a) state the name, ADDRESS, and telephone number of the PERSON;
- (b) state all facts upon which you base your contention;
- (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of the facts; and
- (d) identify all DOCUMENTS and other tangible things that support your contention and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

- ☐ 16.2 Do you contend that plaintiff was not injured in the INCIDENT? If so:

- (a) state all facts upon which you base your contention;
- (b) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of the facts; and
- (c) identify all DOCUMENTS and other tangible things that support your contention and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

☐ 16.3 Do you contend that the injuries or the extent of the injuries claimed by plaintiff as disclosed in discovery proceedings thus far in this case were not caused by the **INCIDENT**? If so, for each injury:

- (a) identify it;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.4 Do you contend that any of the services furnished by any **HEALTH CARE PROVIDER** claimed by plaintiff in discovery proceedings thus far in this case were not due to the **INCIDENT**? If so:

- (a) identify each service;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.5 Do you contend that any of the costs of services furnished by any **HEALTH CARE PROVIDER** claimed as damages by plaintiff in discovery proceedings thus far in this case were not necessary or unreasonable? If so:

- (a) identify each cost;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.6 Do you contend that any part of the loss of earnings or income claimed by plaintiff in discovery proceedings thus far in this case was unreasonable or was not caused by the **INCIDENT**? If so:

- (a) identify each part of the loss;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.7 Do you contend that any of the property damage claimed by plaintiff in discovery Proceedings thus far in this case was not caused by the **INCIDENT**? If so:

- (a) identify each item of property damage;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.8 Do you contend that any of the costs of repairing the property damage claimed by plaintiff in discovery proceedings thus far in this case were unreasonable? If so:

- (a) identify each cost item;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.9 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** (for example, insurance bureau index reports) concerning claims for personal injuries made before or after the **INCIDENT** by a plaintiff in this case? If so, for each plaintiff state:

- (a) the source of each **DOCUMENT**;
- (b) the date each claim arose;
- (c) the nature of each claim; and
- (d) the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

☐ 16.10 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** concerning the past or present physical, mental, or emotional condition of any plaintiff in this case from a **HEALTH CARE PROVIDER** not previously identified (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310)? If so, for each plaintiff state:

- (a) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER**;
- (b) a description of each **DOCUMENT**; and
- (c) the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

17.0 Responses to Request for Admissions

☐ 17.1 Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:

- (a) state the number of the request;
- (b) state all facts upon which you base your response;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your response and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

18.0 [Reserved]

19.0 [Reserved]

20.0 How the Incident Occurred—Motor Vehicle

☐ 20.1 State the date, time, and place of the **INCIDENT** (closest street **ADDRESS** or intersection).

☐ 20.2 For each vehicle involved in the **INCIDENT**, state:

- (a) the year, make, model, and license number;
- (b) the name, **ADDRESS**, and telephone number of the driver.

- (c) the name, **ADDRESS**, and telephone number of each occupant other than the driver;
- (d) the name, **ADDRESS**, and telephone number of each registered owner;
- (e) the name, **ADDRESS**, and telephone number of each lessee;
- (f) the name, **ADDRESS**, and telephone number of each owner other than the registered owner or lien holder; and
- (g) the name of each owner who gave permission or consent to the driver to operate the vehicle.

☐ 20.3 State the **ADDRESS** and location where your trip began and the **ADDRESS** and location of your destination.

☐ 20.4 Describe the route that you followed from the beginning of your trip to the location of the **INCIDENT**, and state the location of each stop, other than routine traffic stops, during the trip leading up to the **INCIDENT**.

☐ 20.5 State the name of the street or roadway, the lane of travel, and the direction of travel of each vehicle involved in the **INCIDENT** for the 500 feet of travel before the **INCIDENT**.

☐ 20.6 Did the **INCIDENT** occur at an intersection? If so, describe all traffic control devices, signals, or signs at the intersection.

☐ 20.7 Was there a traffic signal facing you at the time of the **INCIDENT**? If so, state:

- (a) your location when you first saw it;
- (b) the color;
- (c) the number of seconds it had been that color; and
- (d) whether the color changed between the time you first saw it and the **INCIDENT**.

☐ 20.8 State how the **INCIDENT** occurred, giving the speed, direction, and location of each vehicle involved:

- (a) just before the **INCIDENT**;
- (b) at the time of the **INCIDENT**; and (c) just after the **INCIDENT**.

☐ 20.9 Do you have information that a malfunction or defect in a vehicle caused the **INCIDENT**? If so:

- (a) identify the vehicle;
- (b) identify each malfunction or defect;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and
- (d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.

☐ 20.10 Do you have information that any malfunction or defect in a vehicle contributed to the injuries sustained in the **INCIDENT**? If so:

- (a) identify the vehicle;
- (b) identify each malfunction or defect;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and

- (d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.

☐ 20.11 State the name, **ADDRESS**, and telephone number of each owner and each **PERSON** who has had possession since the **INCIDENT** of each vehicle involved in the **INCIDENT**.

25.0 [Reserved]

30.0 [Reserved]

40.0 [Reserved]

50.0 Contract

- ☒ 50.1 For each agreement alleged in the pleadings:
- (a) identify each **DOCUMENT** that is part of the agreement and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
 - (b) state each part of the agreement not in writing, the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to that provision, and the date that part of the agreement was made;
 - (c) identify all **DOCUMENTS** that evidence any part of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
 - (d) identify all **DOCUMENTS** that are part of any modification to the agreement, and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
 - (e) state each modification not in writing, the date, and the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to the modification, and the date the modification was made;
 - (f) identify all **DOCUMENTS** that evidence any modification of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**.

☒ 50.2 Was there a breach of any agreement alleged in the pleadings? If so, for each breach describe and give the date of every act or omission that you claim is the breach of the agreement.

☒ 50.3 Was performance of any agreement alleged in the pleadings excused? If so, identify each agreement excused and state why performance was excused.

☒ 50.4 Was any agreement alleged in the pleadings terminated by mutual agreement, release, accord and satisfaction, or novation? If so, identify each agreement terminated, the date of termination, and the basis of the termination.

☒ 50.5 Is any agreement alleged in the pleadings unenforceable? If so, identify each unenforceable agreement and state why it is unenforceable.

☒ 50.6 Is any agreement alleged in the pleadings ambiguous? If so, identify each ambiguous agreement and state why it is ambiguous.

60.0 [Reserved]

1 Daniel Kodam, Esq. (SBN 190703)
2 KODAM & ASSOCIATES, PC
3 41880 Kalmia Street, Suite 130
4 Murrieta, CA 92562
5 Phone: 951-445-4905
6 Facsimile: 951-445-4906

7 Attorney for Plaintiff

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
9 CENTRAL JUDICIAL DISTRICT
10

11 Donald Lake,

12 Plaintiff,

13 v.

14 State Personnel Board,

15 Defendant,

16 California Department of Financial Institutions,
17 Julio Prada, an individual; Robert Venchiarutti,
18 and individual; and Does 1 – 32,

19 Real Party in Interest and Defendant.

Case No.: 37-2009-00102604-CU-OE-CTL

SPECIAL INTERROGATORIES (SET
ONE)

20 PROPOUNDING PARTY: Plaintiff, DONALD LAKE
21

22 RESPONDING PARTY: Defendant, ROBERT VENCHIARUTTI
23

24 SET NO: One

25 TO DEFENDANTS AND THEIR ATTORNEY OF RECORD HEREIN: Plaintiff
26 DONALD LAKE hereby requests that the Defendant CALIFORNIA DEPARTMENT OF
27 FINANCIAL INSTITUTIONS to answer under oath pursuant to Code of Civil Procedure,
28 Section 2030 the following Special Interrogatories:

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PERSON and PERSONS include a natural person, firm, association, organization, partnership, business, trust, corporation or public entity.

DOCUMENT and **DOCUMENTS** means a writing(s) as defined by California Evidence Code, Section 250, and includes the original or copy of handwriting, typewriting, printing, photocopying, and every other means of recording on any tangible thing, any form of communication or representation, including letters, words, pictures, sounds or symbols, or combinations of them.

YOU, YOUR and DEFENDANT means **ROBERT VENCHIARUTTI**.

ADDRESS means the street address, including the city, states, and zip codes.

SPECIAL INTERROGATORIES

a. If so, how were you made aware of this policy?

1 2. Did YOU receive a written complaint regarding concerns of Julio Prada's behavior
2 on or about May 6, 2005?

3 3. Have you received any complaints regarding concerns of Julio Prada's behavior
4 from 2000 through present?

5 a. If yes, please provide the dates of the complaints and names and phone numbers
6 of persons who submitted them.

7 4. Did you conduct any investigation into any complaints regarding Julio Prada's
8 behavior in the workplace?

9 a. If yes, please provide the dates of the investigations and names and phone
10 numbers of persons who submitted them.

11 5. How many times is it customary for a supervisor to email an employee on a weekly
12 basis?

13 6. How many times is it customary for a supervisor to call his employee on a weekly
14 basis?

15 7. What are the qualifications required to be a Senior Examiner?

16 8. What are the qualifications required to be a Financial Institutions Supervisor?

17 9. For what reasons would an employee be denied CTO?

18 10. What are the requirements for obtaining CTO?

19 11. For what reasons would an employee be denied vacation time?

20 12. For what reasons would an employee be denied sick leave?

21 13. For what reasons would an employee be denied telework requests?

22 14. Did you discourage PLAINTIFF from applying for a FIS position at anytime during
23 his employment?

24 15. Please describe the manner in which you have supervised PLAINTIFF from 2004 to
25 present including forms of communication and discipline.
26
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28

1 2. Did YOU receive a written complaint regarding concerns of Julio Prada's behavior
2 on or about May 6, 2005?

3 3. Have you received any complaints regarding concerns of Julio Prada's behavior
4 from 2000 through present?

5 a. If yes, please provide the dates of the complaints and names and phone numbers
6 of persons who submitted them.

7 4. Did you conduct any investigation into any complaints regarding Julio Prada's
8 behavior in the workplace?

9 a. If yes, please provide the dates of the investigations and names and phone
10 numbers of persons who submitted them:

11 5. How many times is it customary for a supervisor to email an employee on a weekly
12 basis?

13 6. How many times is it customary for a supervisor to call his employee on a weekly
14 basis?

15 7. What are the qualifications required to be a Senior Examiner?

16 8. What are the qualifications required to be a Financial Institutions Supervisor?

17 9. For what reasons would an employee be denied CTO?

18 10. What are the requirements for obtaining CTO?

19 11. For what reasons would an employee be denied vacation time?

20 12. For what reasons would an employee be denied sick leave?

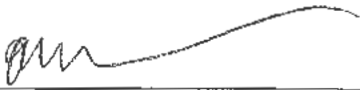
21 13. For what reasons would an employee be denied telework requests?

22 14. Did you discourage PLAINTIFF from applying for a FIS position at anytime during
23 his employment?

24 15. Please describe the manner in which you have supervised PLAINTIFF from 2004 to
25 present including forms of communication and discipline.
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1 16. Please describe any incidents including date, location, and individuals presents
2 where you threatened PLAINTIFF with any form of discipline up to and including
3 termination.
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5 Dated: 3/19/11
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8 Daniel S. Kodam, Esq.
9 Nicole A. Silveira, Esq.
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1 Daniel Kodam, Esq. (SBN 190703)
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7 Attorney for Plaintiff

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
9 CENTRAL JUDICIAL DISTRICT
10

11 Donald Lake,

12 Plaintiff,

13 v.

14 State Personnel Board,

15 Defendant,

16 California Department of Financial Institutions,
17 Julio Prada, an individual; Robert Venchiarutti,
18 and individual; and Does 1 – 32,

19 Real Party in Interest and Defendant.

Case No.: 37-2009-00102604-CU-OE-CTL

REQUEST FOR PRODUCTION OF
DOCUMENTS (SET ONE)

20 PROPOUNDING PARTY: Plaintiff, DONALD LAKE
21

22 RESPONDING PARTY: Defendant, ROBERT VENCHIARUTTI
23

24 SET NO: One

25 TO DEFENDANTS AND THEIR ATTORNEY OF RECORD HEREIN:
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1 Plaintiffs hereby request, pursuant to Code of Civil Procedure Section 2031.010, et seq.,
2 that the that the Defendant identify, produce and permit inspection, copying or photocopying of
3 the materials herein set forth.

4 5 DEFINITIONS

6 The following words used in these Request for Production of Documents are defined as
7 follows:
8

9 PERSON and PERSONS include a natural person, firm, association, organization,
10 partnership, business, trust, corporation or public entity.

11 IDENTIFY EACH PERSON means to identify each and every individual by name,
12 residence ADDRESS, residence telephone number, occupation, business ADDRESS and
13 business telephone number and to identify each and every firm, association, organization,
14 partnership, business, trust, corporation, or public entity by name.
15

16 DOCUMENT and DOCUMENTS means a writing(s) as defined by California Evidence
17 Code, Section 250, and includes the original or copy of handwriting, typewriting, printing,
18 photocopying, and every other means of recording on any tangible thing, any form of
19 communication or representation, including letters, words, pictures, sounds or symbols, or
20 combinations of them.
21

22 IDENTIFY EACH DOCUMENT incorporates the preceding definition and means to
23 identify each and every DOCUMENT by date, author, title, subject matter and present
24 custodian.
25

26 YOU, YOUR and DEFENDANT means ROBERT VENCHIARUTTI.

27 ADDRESS means the street address, including the city, states, and zip codes.
28

1 EMPLOYEE means an individual within the same class as Plaintiff, employed in same
2 position and at the same time Plaintiff was employed, from 1983 through Present.

3 PRIVILEGED DOCUMENTS
4

5 To the extent that a full and complete response to any request for production of
6 documents and other things herein would require the disclosure of a document, which you
7 contend to be privileged, you are required, pursuant to Code of Civil Procedure Section 2031
8 (f)(3) to identify with particularity any document or tangible thing falling within any category of
9 item in the demand to which an objection is being made and set forth clearly the extent of, and
10 the specific ground for, the objection. If an objection is based on a claim of privilege, the
11 particular privilege invoked shall be stated by the documents and other things to which the
12 privilege is being asserted and shall be clearly identified.

13 A. Service of a written response under oath within thirty (30) days after service of this
14 demand, consisting of either a statement that Defendant will comply with the demand, or a
15 statement that Defendant lacks the ability to comply with the demand, and the reasons for
16 noncompliance, **AND**

17 B. Production of tangible things within thirty (30) days after service of this demand.
18 **PLEASE IDENTIFY** in a written response and **PRODUCE** by permitting Daniel S .Kodam, or
19 its agents on behalf of the requesting party, to inspect and photocopy:

20 DOCUMENTS REQUESTED
21

22 1. Any and all document(s), correspondence(s), note(s), memorandum(s), email(s),
23 facsimile transmission(s) and/or record(s) within your possession that relate to any all
24 investigations done involving Plaintiff in any manner.

25 2. Any and all document(s), correspondence(s), note(s), memorandum(s), email(s),
26 facsimile transmission(s) and/or record(s) between yourself and Plaintiff from 2000 through
27 present.
28

3. Any and all document(s), correspondence(s), note(s), memorandum(s), email(s), facsimile transmission(s) and/or record(s) between yourself and JULIO PRADA, which relate to Plaintiff, from 2000 through present.


4. Any and all document(s), correspondence(s), note(s), memorandum(s), email(s), facsimile transmission(s) and/or record(s) relating to any evaluations made of PLAINTIFF during his employment with Department of Financial Institutions.

NOTICE IS FURTHER HEREBY GIVEN that this demanding party is not requesting the responding party to make copies of any of the above-requested items. Should the responding party make copies, this demanding party does not consent or agree to be liable for the reproduction costs of the same.

There may be full compliance by forwarding said items to the KODAM & ASSOCIATES, PC, attorneys for the requesting party. If there is no compliance by forwarding said items, then the production for inspection and photocopying is to take place at the offices of KODAM & ASSOCIATES, PC; 41880 Kalmia Street, Suite 130, Murrieta, California 92562 on April 20, 2010.

Dated

3/19/10


Daniel Kodam, Esq.

1 EDMUND G. BROWN JR.
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2 CHRIS A. KNUDSEN
Supervising Deputy Attorney General
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5 San Diego, CA 92186-5266
Telephone: (619) 645-3060
6 Fax: (619) 645-2581
E-mail: chris.knudsen@doj.ca.gov
7 Attorneys for Defendants California
Department of Financial Institutions;
8 Julio Prada; and Robert Venchiarutti

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN DIEGO CENTRAL DIVISION
12

13 DONALD LAKE,

14 Plaintiff,

15 v.

16
17 CALIFORNIA DEPARTMENT OF
FINANCIAL INSTITUTIONS; JULIO
18 PRADA, an individual; ROBERT
VENCHIARUTTI an individual; and Does
19 1-32,

20 Defendants.
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Case No. 37-2009-00102604-CU-OE-CTL

Action Filed: November 20, 2009

**DEFENDANT DFI's RESPONSES AND
OBJECTIONS TO PLAINTIFF DONALD
LAKE's FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS**

Dept: C-64
Judge: The Honorable William R.
Nevitt, Jr.

Trial Date: Not Set

22 PROPOUNDING PARTY: PLAINTIFF, DONALD LAKE

23 RESPONDING PARTY: DEFENDANT, CALIFORNIA DEPARTMENT OF FINANCIAL
24 INSTITUTIONS ("DFI")

25 SET NUMBER: ONE

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Pursuant to California Code of Civil Procedure section 2031.010 et seq., Defendant California Department of Financial Institutions ("DFI") responds and objects to plaintiff Donald Lake's first set of Requests for Production of Documents as follows:

PRELIMINARY STATEMENT

Defendant DFI has not yet completed its investigation of the facts relating to this action, and has not yet completed its discovery, analysis of matters raised by this action, or preparations for trial. Consequently, these written responses and DFI's production of documents are made without prejudice to DFI producing subsequently discovered documents that fall within the scope of these requests. The DFI further reserves the right to modify, amend, or add to its responses and objections.

The DFI further reserves the right to refer to, conduct discovery with reference to, or offer into evidence at the time of trial any and all facts, documents, and other things that are not presently known or available to DFI, but which may be learned at some time in the future notwithstanding these initial responses and production of documents.

GENERAL OBJECTIONS

Defendant DFI hereby objects to each and every document request on the following grounds, which grounds shall be deemed incorporated into each and every specific response to these document requests.

General Objection No. 1:

Defendant DFI objects to these document requests to the extent they seek documents which are in the possession, custody, or control of persons or entities other than DFI. DFI will produce documents within its possession, custody, or control only.

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General Objection No. 2:

Defendant DFI objects to each and every one of these document requests to the extent they seek information which is protected from discovery by the attorney-client privilege and/or the work product doctrine. DFI will not produce documents which are protected from disclosure by the attorney-client privilege or as work product. Any production of any document so protected is inadvertent and is not a waiver of the privilege or protection.

General Objection No. 3:

Defendant DFI objects to each and every one of these document requests to the extent they seek information which is protected by the right of privacy under the United States and California Constitutions and to the extent they seek confidential information.

General Objection No. 4:

Defendant DFI objects to these document requests insofar as they seek information and documents equally available to plaintiff or available through public sources or records, on the grounds that such requests cause unnecessary expense and are unduly burdensome. For example, Defendant DFI will not produce documents that have already been produced by third parties pursuant to subpoena because such documents are equally available to Plaintiff.

General Objection No. 5:

Defendant DFI objects to each and every one of these document requests to the extent they seek information and documents relating to events occurring prior to January of 2007. Plaintiff did not file his DFEH charge until November 26, 2008. This charge was based on events occurring in October 2007 and March 2008. To the extent these interrogatories seek information relating to events prior to the events at issue in Mr. Lake's charge of discrimination, they are overbroad, unduly burdensome and oppressive, harassing, and fail to seek information within the scope of discovery.

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1 **General Objection No. 6:**

2 Any statement in these responses that a particular document or category of documents will
3 be produced shall not be considered a representation that such document(s) exist(s), but rather
4 that, if such document(s) exist(s), is/are within defendant DFI's possession, custody, and control,
5 and can be located in the course of a reasonably diligent search, it/they will be produced.

6 **General Objection No. 7:**

7 Defendant DFI's responses are made solely for the purpose of and in relation to this action,
8 and are submitted to, without waiver of, and intending to reserve:

9 (a) all questions as to competency, relevancy, materiality, privilege, and
10 admissibility as evidence for any purpose of any of the responses given or the materials produced
11 or the subject matter thereof;

12 (b) the right to object to other discovery involving or relating to the same subject
13 matter;

14 (c) the right at any time to revise, correct, add to or clarify any of the responses set
15 forth herein.

16 **RESPONSES AND OBJECTIONS TO DOCUMENT REQUESTS**

17 **DOCUMENT REQUEST NO. 1:**

18 Please provide a copy of Plaintiff DONALD LAKE's personnel file in its entirety.

19 **RESPONSE TO DOCUMENT REQUEST NO. 1:**

20 Defendant DFI repeats each and every general objection and incorporates the same as
21 though fully set forth herein.

22 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
23 follows:

24 The DFI will produce a copy of Plaintiff Donald Lake's personnel file.

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DOCUMENT REQUEST NO. 2:

Please provide a copy of Defendant JULIO PRADA's personnel file in its entirety.

RESPONSE TO DOCUMENT REQUEST NO. 2:

Defendant DFI repeats each and every general objection and incorporates the same as though fully set forth herein.

Defendant DFI further objects that the document request is overbroad and seeks information irrelevant to Plaintiff's claims and not reasonably likely to lead to the discovery of admissible evidence. It also seeks information which is confidential and private. Personnel files may contain information relating to benefits, rate of pay, health care, family members, beneficiaries and other private information. The vast majority of such information would have absolutely no relevance to any of Plaintiff's claims.

DOCUMENT REQUEST NO. 3:

Please provide a copy of Defendant ROBERT VENCHIARUTTI's personnel file in its entirety.

RESPONSE TO DOCUMENT REQUEST NO. 3:

Defendant DFI repeats each and every general objection and incorporates the same as though fully set forth herein.

Defendant DFI further objects that the document request is overbroad and seeks information irrelevant to Plaintiff's claims and not reasonably likely to lead to the discovery of admissible evidence. It also seeks information which is confidential and private. Personnel files may contain information relating to benefits, rate of pay, health care, family members, beneficiaries and other private information. The vast majority of such information would have absolutely no relevance to any of Plaintiff's claims.

DOCUMENT REQUEST NO. 4:

Please provide a copy of Defendant JEANETTE BARRAZA's personnel file in its entirety.

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1 **RESPONSE TO DOCUMENT REQUEST NO. 4:**

2 Defendant DFI repeats each and every general objection and incorporates the same as
3 though fully set forth herein.

4 Defendant DFI further objects that the document request is overbroad and seeks
5 information irrelevant to Plaintiff's claims and not reasonably likely to lead to the discovery of
6 admissible evidence. It also seeks information which is confidential and private. Personnel files
7 may contain information relating to benefits, rate of pay, health care, family members,
8 beneficiaries and other private information. The vast majority of such information would have
9 absolutely no relevance to any of Plaintiff's claims.

10 **DOCUMENT REQUEST NO. 5:**

11 Any and all document(s), correspondence(s), note(s), memorandum(s), email(s), facsimile
12 transmission(s) and/or record(s) within Defendant's possession that relate to any and all
13 investigations done involving Plaintiff in any manner.

14 **RESPONSE TO DOCUMENT REQUEST NO. 5:**

15 Defendant DFI repeats each and every general objection and incorporates the same as
16 though fully set forth herein.

17 Defendant DFI further objects to this document request to the extent it seeks privileged
18 information including information protected by the attorney-client and work product privileges.
19 In addition, the DFI objects to this request to the extent it seeks documents outside its possession,
20 custody, or control. The Department of Transportation conducted the investigation into
21 Plaintiff's discrimination complaint.

22 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
23 follows:

24 The DFI will produce non-privileged documents, if any, within its custody, possession, or
25 control.

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1 **DOCUMENT REQUEST NO. 6:**

2 Any and all document(s), correspondence(s), note(s), memorandum(s), email(s), facsimile
3 transmission(s) and/or record(s) within Defendant's possession that relate to any and all
4 investigations done involving JULIO PRADA in any manner.

5 **RESPONSE TO DOCUMENT REQUEST NO. 6:**

6 Defendant DFI repeats each and every general objection and incorporates the same as
7 though fully set forth herein.

8 Defendant DFI further objects to this document request to the extent it seeks privileged
9 information including information protected by the attorney-client and work product privileges.
10 In addition, the DFI objects to this request to the extent it seeks documents outside its possession,
11 custody, or control. The Department of Transportation conducted the investigation into
12 Plaintiff's discrimination complaint against Julio Prada. The request also seeks confidential and
13 private information including confidential information relating to third parties. The request is
14 also overbroad and seeks information irrelevant to Plaintiff's claims and not reasonably likely to
15 lead to the discovery of admissible evidence. For example, an investigation of Mr. Prada relating
16 to work related matters or, for example, gender discrimination would have no tendency to prove
17 or disprove any fact of relevance to this case.

18 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
19 follows:

20 The DFI will produce non-privileged documents, if any, within its custody, possession, or
21 control relating to investigations involving claims that Julio Prada committed age or race
22 discrimination, age or race harassment, or unlawful retaliation.

23 **DOCUMENT REQUEST NO. 7:**

24 Any and all document(s), correspondence(s), note(s), memorandum(s), email(s), facsimile
25 transmission(s) and/or record(s) within Defendant's possession that relate to any and all
26 investigations done involving ROBERT VENCHIARUTTI in any manner.

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RESPONSE TO DOCUMENT REQUEST NO. 7:

Defendant DFI repeats each and every general objection and incorporates the same as though fully set forth herein.

Defendant DFI further objects to this document request to the extent it seeks privileged information including information protected by the attorney-client and work product privileges. In addition, the DFI objects to this request to the extent it seeks documents outside its possession, custody, or control. The request also seeks confidential and private information including confidential information relating to third parties. The request is also overbroad and seeks information irrelevant to Plaintiff's claims and not reasonably likely to lead to the discovery of admissible evidence. For example, an investigation of Mr. Venchiarutti relating to work related matters or, for example, gender discrimination would have no tendency to prove or disprove any fact of relevance to this case.

Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as follows:

The DFI will produce non-privileged documents, if any, within its custody, possession, or control relating to investigations involving claims that Robert Venchiarutti committed age or race discrimination, age or race harassment, or unlawful retaliation.

DOCUMENT REQUEST NO. 8:

Any and all document(s), correspondence(s), note(s), memorandum(s), email(s), facsimile transmission(s) and/or record(s) related to PLAINTIFF's performance in the workplace.

RESPONSE TO DOCUMENT REQUEST NO. 8:

Defendant DFI repeats each and every general objection and incorporates the same as though fully set forth herein.

Defendant DFI further objects to this document request to the extent it seeks privileged information including information protected by the attorney-client and work product privileges. The DFI further objects that the document request is overbroad, unduly burdensome and harassing and seeks documents irrelevant to any matter in this case and not reasonably likely to lead to the discovery of admissible evidence. No adverse employment actions have been taken

1 against Mr. Lake based on his performance. Moreover, Plaintiff remains in his position as a
2 Senior Financial Institutions Examiner. Finally, the document request is vague and ambiguous as
3 to what is meant by relating to Plaintiff's "performance in the workplace." For example, it could
4 be read broadly to include any correction to any work product Plaintiff as completed during his
5 long career with DFI. Such a broad reading could also implicate confidential documents
6 containing confidential information of third parties.

7 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
8 follows:

9 Construing this document request as seeking documents making comment on Plaintiff's
10 work performance in general rather than specific corrections to work product, the DFI will
11 produce non-privileged documents, if any, within its custody, possession, or control during the
12 time Plaintiff worked at Money Transmitters.

13 **DOCUMENT REQUEST NO. 9:**

14 Any and all document(s), correspondence(s), note(s), memorandum(s), email(s), facsimile
15 transmission(s) and/or record(s) related to any evaluations made of PLAINTIFF during his
16 employment with Department of Financial Institutions.

17 **RESPONSE TO DOCUMENT REQUEST NO. 9:**

18 Defendant DFI repeats each and every general objection and incorporates the same as
19 though fully set forth herein.

20 Defendant DFI further objects to this document request to the extent it seeks privileged
21 information including information protected by the attorney-client and work product privileges.
22 The DFI further objects that the document request is overbroad, unduly burdensome and
23 harassing and seeks documents irrelevant to any matter in this case and not reasonably likely to
24 lead to the discovery of admissible evidence. No adverse employment actions have been taken
25 against Mr. Lake based on his performance and Plaintiff remains in his position as a Senior
26 Financial Institutions Examiner. Furthermore, Plaintiff is not claiming that he had any problems
27 prior to working for Money Transmitters. Finally, the document request is vague and ambiguous
28 as to what is meant by relating to Plaintiff's "evaluations."

1 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
2 follows:

3 Construing this document request as seeking documents relating to official evaluations of
4 Plaintiff such as Individual Development Plans, the DFI will produce non-privileged documents,
5 if any, within its custody, possession, or control during the time Plaintiff worked at Money
6 Transmitters.

7 **DOCUMENT REQUEST NO. 10:**

8 Any and all e-mails involving or addressing PLAINTIFF and Julio Prada from 2004 to
9 present.

10 **RESPONSE TO DOCUMENT REQUEST NO. 10:**

11 Defendant DFI repeats each and every general objection and incorporates the same as
12 though fully set forth herein. Defendant DFI restates its objection to this request to the extent it
13 seeks documents which are privileged attorney-client communications.

14 Defendant DFI further objects that the document request is overbroad, unduly burdensome
15 and harassing and seeks documents irrelevant to any matter in this case and not reasonably likely
16 to lead to the discovery of admissible evidence. The vast majority of e-mails between Plaintiff
17 and Julio Prada involve ordinary, every-day work matters which are not is not at issue in this
18 case. Moreover, documents relating to Plaintiff's work are not only irrelevant, but could be
19 privileged or contain private, confidential information relating to licensees or other employees.
20 For example, e-mails between Mr. Prada and Plaintiff could involve confidential financial
21 information of licensees which would both be entirely irrelevant to this lawsuit and containing
22 highly confidential documents. The request also seeks documents which are irrelevant because
23 far outside the limitations period.

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1 **DOCUMENT REQUEST NO. 11:**

2 Any and all e-mails involving or addressing PLAINTIFF and Oscar Lumen from 2004 to
3 present.

4 **RESPONSE TO DOCUMENT REQUEST NO. 11:**

5 Defendant DFI repeats each and every general objection and incorporates the same as
6 though fully set forth herein. Defendant DFI restates its objection to this request to the extent it
7 seeks documents which are privileged attorney-client communications.

8 Defendant DFI further objects that the document request is overbroad, unduly burdensome
9 and harassing and seeks documents irrelevant to any matter in this case and not reasonably likely
10 to lead to the discovery of admissible evidence. The vast majority of e-mails between Plaintiff
11 and Oscar Lumen involve ordinary, every-day work matters which are not is not at issue in this
12 case. Moreover, documents relating to Plaintiff's work are not only irrelevant, but could be
13 privileged or contain private, confidential information relating to licensees or other employees.
14 For example, e-mails between Mr. Lumen and Plaintiff could involve confidential financial
15 information of licensees which would both be entirely irrelevant to this lawsuit and containing
16 highly confidential documents. The request also seeks documents which are irrelevant because
17 far outside the limitations period.

18 **DOCUMENT REQUEST NO. 12:**

19 Any and all e-mails involving or addressing PLAINTIFF and Robert Venchiarutti from
20 2004 to present.

21 **RESPONSE TO DOCUMENT REQUEST NO. 12:**

22 Defendant DFI repeats each and every general objection and incorporates the same as
23 though fully set forth herein. Defendant DFI restates its objection to this request to the extent it
24 seeks documents which are privileged attorney-client communications.

25 Defendant DFI further objects that the document request is overbroad, unduly burdensome
26 and harassing and seeks documents irrelevant to any matter in this case and not reasonably likely
27 to lead to the discovery of admissible evidence. The vast majority of e-mails between Plaintiff
28 and Robert Venchiarutti involve ordinary, every-day work matters which are not is not at issue in

1 this case. Moreover, documents relating to Plaintiff's work are not only irrelevant, but could be
2 privileged or contain private, confidential information relating to licensees or other employees.
3 For example, e-mails between Mr. Venchiarutti and Plaintiff could involve confidential financial
4 information of licensees which would both be entirely irrelevant to this lawsuit and containing
5 highly confidential documents. The request also seeks documents which are irrelevant because
6 far outside the limitations period.

7 **DOCUMENT REQUEST NO. 13:**

8 Any and all e-mails involving or addressing PLAINTIFF and Jeanette Barraza from 2004
9 to present.

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1 **RESPONSE TO DOCUMENT REQUEST NO. 13:**


2 Defendant DFI repeats each and every general objection and incorporates the same as
3 though fully set forth herein. Defendant DFI restates its objection to this request to the extent it
4 seeks documents which are privileged attorney-client communications.

5 Defendant DFI further objects that the document request is overbroad, unduly burdensome
6 and harassing and seeks documents irrelevant to any matter in this case and not reasonably likely
7 to lead to the discovery of admissible evidence. The vast majority of e-mails between Plaintiff
8 and Jeannette Barazza involve ordinary, every-day work matters which are not is not at issue in
9 this case. Moreover, documents relating to Plaintiff's work are not only irrelevant, but could be
10 privileged or contain private, confidential information relating to licensees or other employees.
11 For example, e-mails between Ms. Barraza and Plaintiff could involve confidential financial
12 information of licensees which would both be entirely irrelevant to this lawsuit and containing
13 highly confidential documents. The request also seeks documents which are irrelevant because
14 far outside the limitations period.

15 Dated: May 7, 2010

Respectfully Submitted,

16 EDMUND G. BROWN JR.
17 Attorney General of California

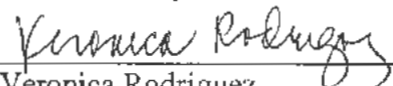
18 
19 CHRIS A. KNUDSEN
20 Supervising Deputy Attorney General
21 Attorneys for Defendant California
22 Department of Financial Institutions
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VERIFICATION

I am the Human Resources Manager for the Department of Financial Institutions ("DFI") and, as such, am authorized to execute this verification on behalf of Defendant California Department of Financial Institutions. I know the contents of the foregoing DEFENDANT DFI's RESPONSES AND OBJECTIONS TO PLAINTIFF DONALD LAKE's FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed on April 30, 2010 at Sacramento, California.


Veronica Rodriguez

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SD2009703504
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Lake, Donald v. California Department of Financial Institutions, et al.**

Case No.: **37-2009-00102604-CU-OE-CTL**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On May 7, 2010, I served the attached:

**DEFENDANT DFI's RESPONSES AND OBJECTIONS TO PLAINTIFF
DONALD LAKE's FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS**

By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Daniel Kodam, Esq.
Kodam & Associates, PC
41880 Kalmia Street, Suite 130
Murrieta, CA 92562

Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 7, 2010, at San Diego, California.

F. Terrones
Declarant


Signature

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7 *Attorneys for Defendants California*
Department of Financial Institutions;
8 *Julio Prada; and Robert Venchiarutti*

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN DIEGO CENTRAL DIVISION
12

13 **DONALD LAKE,**

14 Plaintiff,

15 v.

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17 **CALIFORNIA DEPARTMENT OF**
FINANCIAL INSTITUTIONS; JULIO
18 **PRADA, an individual; ROBERT**
19 **VENCHIARUTTI an individual; and Does**
1-32,

20 Defendants.
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Case No. 37-2009-00102604-CU-OE-CTL

Action Filed: November 20, 2009

**DEFENDANT DFI's RESPONSES AND
OBJECTIONS TO PLAINTIFF DONALD
LAKE's FIRST SET OF SPECIAL
INTERROGATORIES**

Dept: C-64
Judge: The Honorable William R.
Nevitt, Jr.

Trial Date: Not Set

22 PROPOUNDING PARTY: PLAINTIFF, DONALD LAKE

23 RESPONDING PARTY: DEFENDANT, CALIFORNIA DEPARTMENT OF FINANCIAL
24 INSTITUTIONS ("DFI")

25 SET NUMBER: ONE

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1 Pursuant to California Code of Civil Procedure section 2030.010 et seq., Defendant
2 California Department of Financial Institutions ("DFI") responds and objects to plaintiff Donald
3 Lake's first set of Special Interrogatories as follows:

4 **PRELIMINARY STATEMENT**

5 Defendant DFI has not yet completed its investigation of the facts relating to this action,
6 and has not yet completed its discovery, analysis of matters raised by this action, or preparations
7 for trial. Consequently, these written responses are made without prejudice, and defendant DFI
8 reserves the right to present further information or further documents responsive to these
9 interrogatories as such information and documents are discovered. The DFI further reserves the
10 right to modify, amend, or add to its responses and objections.

11 The following responses are all based upon information presently available to DFI, and
12 except for facts explicitly stated herein, no admission of any nature whatsoever is to be implied or
13 inferred. The fact that any interrogatory has been answered should not be taken as an admission,
14 or a concession of the existence of any facts set forth or assumed by such interrogatory, or that
15 such answer constitutes evidence of any fact thus set forth or assumed.

16 The responses which follow are based upon the DFI's understanding of the fair meaning of
17 the interrogatories and in a good faith effort to comply with the law. Moreover, the DFI or its
18 employees may not have direct knowledge or possession of the facts, documents, and other
19 matters referenced in the responses below, however, the DFI has fulfilled its obligation to provide
20 answers based upon information and documents which are presently available to the defense.

21 The DFI reserves the right to refer to, conduct discovery with reference to, or offer into
22 evidence at the time of trial any and all facts, documents, and other things that are not presently
23 known or available to DFI, but which may be learned at some time in the future notwithstanding
24 these initial responses.

25 **GENERAL OBJECTIONS**

26 Defendant DFI hereby objects to each and every interrogatory on the following grounds,
27 which grounds shall be deemed incorporated into each and every specific response to these
28 interrogatories.

General Objection No. 1:

Defendant DFI objects to these interrogatories to the extent they seek information which is in the possession, custody, or control of persons or entities other than DFI. DFI provides the following responses based upon information within its possession, custody, or control only.

General Objection No. 2:

Defendant DFI objects to these interrogatories to the extent they seek information which is protected from discovery by the attorney-client privilege and/or work product doctrine.

General Objection No. 3:

Defendant DFI objects to these interrogatories to the extent they seek information which is protected by the right of privacy under the United States and California Constitutions and to the extent they seek confidential information.

General Objection No. 4:

Defendant DFI objects to these interrogatories insofar as they seek information equally available to plaintiff, on the grounds that such requests cause unnecessary expense and are unduly burdensome and oppressive.

General Objection No. 5:

Defendant DFI objects to each and every one of these interrogatories to the extent they seek information and documents relating to events occurring prior to January of 2007. Plaintiff did not file his DFEH charge until November 26, 2008. This charge was based on events occurring in October 2007 and March 2008. To the extent these interrogatories seek information relating to events prior to the events at issue in Mr. Lake's charge of discrimination, they are overbroad, unduly burdensome and oppressive, harassing, and fail to seek information within the scope of discovery.

General Objection No. 6:

Defendant DFI makes these responses solely in relation to this action. DFI's responses to these interrogatories are made subject to all appropriate objections which would require the exclusion of any statement contained herein if the interrogatory were asked of, or any statement

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1 contained in the response was made by, a witness present and testifying in court. All such
2 objections and grounds are reserved and may be interposed at the time of trial.

3 **RESPONSES AND OBJECTIONS TO SPECIAL INTERROGATORIES**

4 **SPECIAL INTERROGATORY NO. 1:**

5 Did YOU receive a written complaint regarding concerns of Julio Prada's behavior on or
6 about May 6, 2005 and if so, please provide specifics include date, individuals involved, and the
7 nature of the complaint?.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

9 Defendant DFI repeats each and every general objection and incorporates the same as
10 though fully set forth herein.

11 Defendant DFI objects to the defined term "YOU" on the grounds that it violates the rule
12 that "[e]ach interrogatory shall be full and complete in and of itself" and that no preface or
13 instructions shall be included in a set of special interrogatories. (Code Civ. Proc. § 2030.060(d).)
14 Defendant DFI also objects that the interrogatory is compound. (Code Civ. Proc. § 2030.060(f).)
15 DFI further objects to this special interrogatory because it is wholly irrelevant to the instant
16 lawsuit and seeks information which is not reasonably likely to lead to the discovery of
17 admissible evidence.

18 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
19 follows:

20 The litigation is in its preliminary stages. The DFI is currently gathering information which
21 will allow it to answer this interrogatory more completely. If requested to do so, DFI will provide
22 a further response when this information is compiled and/or obtained through discovery. Based
23 on the information currently available to it, DFI responds as follows on information and belief:

24 On or about May 6, 2005, Robert Venchiarutti received a memorandum from Donald Lake,
25 Patrick Lum, and Rosalyn Tomaszewski which alleged complaints of micromanagement,
26 "excessive" e-mails, voicemails, and phone calls concerning examinations and expressed
27 dissatisfaction of completed examination and which made other work related complaints. The
28 only statement relating to discrimination was as follows: "Each of the above Senior Examiners is

1 very concerned that some form of discrimination may be taking place at SPL (i.e. age, race and/or
2 gender) either intentionally or unintentionally by Mr. Prada towards each of the complainants,
3 and possibly at least one terminated former employee." The memorandum asked for an informal
4 meeting to take place to address the matter.

5 On May 18, 2005, Mr. Lake sent an e-mail to Robert Venchiarutti and Julio Prada which
6 stated, in part:

7 1. I am withdrawing my participation in the e-mail letter [sic] dated May 6,
8 2005 addressed to the attention of Robert Venchiarutti. . . . 4. I am offering an
9 apology to Julio Prada, with the understanding that the only intent of the letter was/is
to improve the workplace at SPL.

10 On May 25, 2005, Mr. Lake sent an e-mail to Robert Venchiarutti which stated, in
11 part: "Ros called me last night and we have agreed that this matter is considered closed at this
12 time."

13 **SPECIAL INTERROGATORY NO. 2:**

14 Have you received any complaints regarding concerns of Julio Prada's behavior from 2000
15 through present?

16 a. If yes, please provide the dates of the complaints and names and phone numbers of the
17 persons who submitted them.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

19 Defendant DFI repeats each and every general objection and incorporates the same as
20 though fully set forth herein.

21 Defendant DFI objects that the interrogatory is vague and ambiguous in that it is impossible
22 to tell what Plaintiff is seeking by complaints with respect to Mr. Prada's "behavior." DFI further
23 objects to this special interrogatory because it is wholly irrelevant to the instant lawsuit and seeks
24 information which is not reasonably likely to lead to the discovery of admissible evidence.
25 Complaints by others with respect to unspecified "behavior" of Mr. Prada has no relevance to this
26 discrimination, harassment, and retaliation matter. Even were the complaints limited to
27 discrimination, retaliation, and harassment, complaints of such incidents occurring at different
28 times and involving different offices would have no tendency to prove or disprove any material

1 fact in this case. In particular, alleged harassment which did not occur in plaintiff's work
2 environment, and which plaintiff did not observe or know about is irrelevant to his harassment
3 claims. (See *Fisher v. San Pedro Peninsula Hosp.* (1989) 214 Cal.App.3d 590, 611; see also *Lyle*
4 *v. Warner Bros. Television Productions* (2006) 38 Cal.4th 264, 285 [plaintiff must show that
5 harassment directed at others was in her immediate work environment and that she personally
6 witnessed it].)

7 Defendant DFI further objects that the interrogatory is compound. (Code Civ. Proc. §
8 2030.060(f).)

9 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
10 follows on information and belief:

11 Since January 1, 2007, the DFI has received no complaints from individuals other than
12 Plaintiff Donald Lake alleging that Mr. Prada engaged in age or racial discrimination, age or
13 racial harassment, or unlawful retaliation.

14 **SPECIAL INTERROGATORY NO. 3:**

15 Have you received any complaints regarding concerns of Robert Venchiarutti's behavior
16 from 2000 through present?

17 a. If yes, please provide the dates of the complaints and names and phone numbers of the
18 persons who submitted them.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

20 Defendant DFI repeats each and every general objection and incorporates the same as
21 though fully set forth herein.

22 Defendant DFI objects that the interrogatory is vague and ambiguous in that it is impossible
23 to tell what Plaintiff is seeking by complaints with respect to Mr. Prada's "behavior." DFI further
24 objects to this special interrogatory because it is wholly irrelevant to the instant lawsuit and seeks
25 information which is not reasonably likely to lead to the discovery of admissible evidence.
26 Complaints by others with respect to unspecified "behavior" of Mr. Prada has no relevance to this
27 discrimination, harassment, and retaliation matter. Even were the complaints limited to
28 discrimination, retaliation, and harassment, complaints of such incidents occurring at different

1 times and involving different offices would have no tendency to prove or disprove any material
2 fact in this case. In particular, alleged harassment which did not occur in plaintiff's work
3 environment, and which plaintiff did not observe or know about is irrelevant to his harassment
4 claims. (See *Fisher v. San Pedro Peninsula Hosp.* (1989) 214 Cal.App.3d 590, 611; see also *Lyle*
5 *v. Warner Bros. Television Productions* (2006) 38 Cal.4th 264, 285 [plaintiff must show that
6 harassment directed at others was in her immediate work environment and that she personally
7 witnessed it].)

8 Defendant DFI further objects that the interrogatory is compound. (Code Civ. Proc. §
9 2030.060(f).)

10 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
11 follows on information and belief:

12 Since January 1, 2007, the DFI has received no formal complaints from individuals other
13 than Plaintiff Donald Lake alleging that Mr. Venchiarutti engaged in age or racial discrimination,
14 age or racial harassment, or unlawful retaliation. In or about the summer of 2008, an employee
15 made informal allegations that he felt he had been discriminated against because he was Asian in
16 not obtaining a transfer from Money Transmitters. He did not file a formal complaint, a charge of
17 discrimination with the DFEH or EEOC, and did not file a lawsuit.

18 **SPECIAL INTERROGATORY NO. 4:**

19 How many times is it customary for a supervisor to e-mail an employee on a weekly basis.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

21 Defendant DFI repeats each and every general objection and incorporates the same as
22 though fully set forth herein.

23 DFI further objects to this special interrogatory because it is wholly irrelevant to the instant
24 lawsuit and seeks information which is not reasonably likely to lead to the discovery of
25 admissible evidence.

26 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
27 follows:

28 ///

1 The litigation is in its preliminary stages. The DFI is currently gathering information which
2 will allow it to answer this interrogatory more completely. If requested to do so, DFI will provide
3 a further response when this information is compiled and/or obtained through discovery. Based
4 on the information currently available to it, DFI responds as follows on information and belief:

5 There is no usual or "customary" weekly amount for a supervisor to e-mail a subordinate.
6 How much communication exists between a supervisor and subordinate will vary widely
7 depending a variety of factors including, but not limited to, the type and nature of the matter
8 which is the subject of communication; the number, type, and nature of the project(s) or
9 assignment(s) the subordinate is working on; the difficulty, urgency, and importance of the
10 project(s) or assignment(s); the supervisor's perception of how the employee is performing on the
11 project(s) or assignments(s); the subordinate's need for guidance; the proximity and respective
12 locations of the subordinate and the supervisor; the positions of the supervisor and subordinate;
13 the nature, urgency, and importance of the work product being produced by the particular office
14 or division; whether the subordinate is meeting his or her due dates and the need for follow-up
15 communications relating to deadlines; the supervisor's particular style regarding communications
16 with his or her subordinates; and the subordinate's style and preference for how he or she
17 communicates with his or her supervisor.

18 **SPECIAL INTERROGATORY NO. 5:**

19 How many times is it customary for a supervisor to call his employee on a weekly basis

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

21 Defendant DFI repeats each and every general objection and incorporates the same as
22 though fully set forth herein.

23 DFI further objects to this special interrogatory because it is wholly irrelevant to the instant
24 lawsuit and seeks information which is not reasonably likely to lead to the discovery of
25 admissible evidence.

26 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
27 follows:

28 ///

1 The litigation is in its preliminary stages. The DFI is currently gathering information which
2 will allow it to answer this interrogatory more completely. If requested to do so, DFI will provide
3 a further response when this information is compiled and/or obtained through discovery. Based
4 on the information currently available to it, DFI responds as follows on information and belief:

5 There is no usual or "customary" weekly amount for a supervisor to call a subordinate
6 employee. How much communication exists between a supervisor and subordinate will vary
7 widely depending a variety of factors including, but not limited to, the type and nature of the
8 matter which is the subject of communication; the number, type, and nature of the project(s) or
9 assignment(s) the subordinate is working on; the difficulty, urgency, and importance of the
10 project(s) or assignment(s); the supervisor's perception of how the employee is performing on the
11 project(s) or assignments(s); the subordinate's need for guidance; the proximity and respective
12 locations of the subordinate and the supervisor; the positions of the supervisor and subordinate;
13 the nature, urgency, and importance of the work product being produced by the particular office
14 or division; whether the subordinate is meeting his or her due dates and the need for follow-up
15 communications relating to deadlines; the supervisor's particular style regarding communications
16 with his or her subordinates; and the subordinate's style and preference for how he or she
17 communicates with his or her supervisor.

18 **SPECIAL INTERROGATORY NO. 6:**

19 What are the qualifications required to be a Senior Examiner.

20 **RESPONSE TO FORM INTERROGATORY NO. 6:**

21 Defendant DFI repeats each and every general objection and incorporates the same as
22 though fully set forth herein.

23 DFI further objects to this special interrogatory because it is wholly irrelevant to the instant
24 lawsuit and seeks information which is not reasonably likely to lead to the discovery of
25 admissible evidence. Plaintiff has, at all relevant times, been a Senior Examiner.

26 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
27 follows:

28 ///

1 The litigation is in its preliminary stages. The DFI is currently gathering information which
2 will allow it to answer this interrogatory more completely. If requested to do so, DFI will provide
3 a further response when this information is compiled and/or obtained through discovery. Based
4 on the information currently available to it, DFI responds as follows on information and belief:

5 The requirements for a Senior Financial Institutions Examiner at DFI vary somewhat
6 depending on the particular division. In general, the minimum qualifications for the classification
7 of Senior Financial Institutions Examiner is set forth in the State Personnel Board specification
8 for that classification. Along with possessing additional knowledge, skills, and abilities, Senior
9 Financial Institutions Examiners must have knowledge of the policies, rules, and regulations
10 administered by the DFI, applicable Federal rules and regulations, and how to evaluate reports
11 generated by agencies and the industry in question. Senior Financial Institutions Examiners must
12 also possess the ability to apply specialized financial examining practices and procedures,
13 perform detailed examinations, analyze data and draw sound conclusions, analyze financial and
14 operating statements and reports, gather, organize, and analyze statements, reports, and other
15 records and draw logical conclusions, and prepare clear, concise, and accurate reports. Senior
16 Financial Institutions Examiners must also be able to plan, organize, and direct the work of
17 others, coordinate examinations with related agencies, conduct special investigations, and
18 appraise the most difficult and complex types of reports and information. Senior Financial
19 Institutions Examiners are expected to be able to complete the most difficult assignments given to
20 examiners at the DFI and communicate effectively so instructions can be clearly understood.

21 **SPECIAL INTERROGATORY NO. 7:**

22 What are the qualifications required to be a Financial Institutions Supervisor?

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

24 Defendant DFI repeats each and every general objection and incorporates the same as
25 though fully set forth herein.

26 DFI further objects to this special interrogatory because it is wholly irrelevant to the instant
27 lawsuit and seeks information which is not reasonably likely to lead to the discovery of

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1 admissible evidence. Plaintiff does not appear to be alleging that he has been denied the position
2 of Financial Institutions Supervisor within the applicable limitations period.

3 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
4 follows:

5 The litigation is in its preliminary stages. The DFI is currently gathering information which
6 will allow it to answer this interrogatory more completely. If requested to do so, DFI will provide
7 a further response when this information is compiled and/or obtained through discovery. Based
8 on the information currently available to it, DFI responds as follows on information and belief:

9 The requirements for a Financial Institutions Supervisor at DFI vary somewhat depending
10 on the particular division. In general, the minimum qualifications for the classification of
11 Financial Institutions Supervisor is set forth in the State Personnel Board specification for that
12 classification. A Financial Institutions Supervisor is expected to possess the knowledge, skills,
13 and abilities required of Financial Institutions Examiners, including Senior Financial Institutions
14 Examiners. In addition, among other things, a Financial Institutions Supervisor must have
15 knowledge of techniques of good personnel management and principles of effective supervision.
16 A Financial Institutions Supervisor must have the ability to plan, organize, direct, and evaluate
17 the work of employees. Good interpersonal skills are also important. A FIS must also possess
18 demonstrated leadership abilities, program planning ability, emotional maturity and stability, and
19 objective understanding.

20 **SPECIAL INTERROGATORY NO. 8:**

21 For what reasons would an employee be denied CTO?

22 **RESPONSE TO FORM INTERROGATORY NO. 8:**

23 Defendant DFI repeats each and every general objection and incorporates the same as
24 though fully set forth herein.

25 DFI further objects to this special interrogatory because it is wholly irrelevant to the instant
26 lawsuit and seeks information which is not reasonably likely to lead to the discovery of
27 admissible evidence. Plaintiff does not appear to be alleging that he was denied CTO with the
28 exception that he once received 2.5 hours of CTO when he felt he should receive approximately

1 4.0 hours of CTO. A difference in less than two hours of CTO does not support a discrimination
2 or retaliation claim and does not constitute hostile work environment harassment.

3 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
4 follows:

5 The litigation is in its preliminary stages. The DFI is currently gathering information which
6 will allow it to answer this interrogatory more completely. If requested to do so, DFI will provide
7 a further response when this information is compiled and/or obtained through discovery. Based
8 on the information currently available to it, DFI responds as follows on information and belief:

9 The authority to work overtime (and therefore earn Compensatory Time Off or "CTO") is
10 only granted for certain specified activities. Thus, whether overtime will be granted and whether
11 CTO will be earned depends on the employee's position, the activity the employee is engaged in,
12 and it is often at the discretion of the supervisor. In general, an employee is not entitled to
13 overtime and thus not entitled to CTO unless he or she received prior approval of to work
14 overtime from his or her supervisor. It is the DFI's policy to avoid overtime work whenever
15 possible and only overtime that is completely unavoidable and essential to the core functions of
16 the Department will be approved. Depending on the situation, an employee's entitlement to CTO
17 may be found in the applicable MOU or other policy documents including, but not limited to
18 Section D Work Hours of the DFI's Employee Administrative Manual and #1355 "Overtime".

19 **SPECIAL INTERROGATORY NO. 9:**

20 What are the requirements for obtaining CTO?

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

22 Defendant DFI repeats each and every general objection and incorporates the same as
23 though fully set forth herein.

24 DFI further objects to this special interrogatory because it is wholly irrelevant to the instant
25 lawsuit and seeks information which is not reasonably likely to lead to the discovery of
26 admissible evidence. Plaintiff does not appear to be alleging that he was denied CTO with the
27 exception that he once received 2.5 hours of CTO when he felt he should receive approximately

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1 4.0 hours of CTO. A difference in less than two hours of CTO does not support a discrimination
2 or retaliation claim and does not constitute hostile work environment harassment.

3 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
4 follows:

5 The litigation is in its preliminary stages. The DFI is currently gathering information which
6 will allow it to answer this interrogatory more completely. If requested to do so, DFI will provide
7 a further response when this information is compiled and/or obtained through discovery. Based
8 on the information currently available to it, DFI responds as follows on information and belief:

9 The authority to work overtime (and therefore earn Compensatory Time Off or "CTO") is
10 only granted for certain specified activities. Thus, whether overtime will be granted and whether
11 CTO will be earned depends on the employee's position, the activity the employee is engaged in,
12 and it is often at the discretion of the supervisor. In general, an employee is not entitled to
13 overtime and thus not entitled to CTO unless he or she received prior approval of to work
14 overtime from his or her supervisor. It is the DFI's policy to avoid overtime work whenever
15 possible and only overtime that is completely unavoidable and essential to the core functions of
16 the Department will be approved. Depending on the situation, an employee's entitlement to CTO
17 may be found in the applicable MOU or other policy documents including, but not limited to
18 Section D Work Hours of the DFI's Employee Administrative Manual, the July 2, 2003 Robin
19 Kleinsorge Memorandum, Subject: Travel and Overtime, and Policy #1355 "Overtime".

20 At the time, DFI policy provided guidance for hours earned when traveling by public transit
21 such as a commercial airline. This was found in Section D "Work Hours" of the DFI's Employee
22 Administrative Manual at D.4.3 ["when the employee leaves the airport after the return flight,
23 overtime or compensable hours worked stops when the plane lands and the trip to his or her
24 residence becomes ordinary work to home travel"] and D.4.5. Examples were also provided in
25 the Memorandum dated July 2, 2003, Subject Travel and Overtime by Robbin Kleinsorge entitled
26 "Travel Away from Home."

27 DFI policy also provided guidance for hours earned when an employee travels to another
28 city and spends more than eight hours traveling. In general, CTO could be determined by taking

1 the travel time and subtracting from that the lunch period, the 8 hours normally worked in a work
2 day, and the employee's normal commute time. This was found in Section D "Work Hours" of
3 the DFI's Employee Administrative Manual, especially D.4.2 and D.4.5. Examples were also
4 included in the Memorandum dated July 2, 2003, Subject Travel and Overtime by Robbin
5 Kleinsorge entitled "Travel in the same day." Under DFI policy, an employee is not compensated
6 for travel across time zones.

7 **SPECIAL INTERROGATORY NO. 10:**

8 For what reasons would an employee be denied vacation time?

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

10 Defendant DFI repeats each and every general objection and incorporates the same as
11 though fully set forth herein.

12 DFI further objects to this special interrogatory because it is wholly irrelevant to the instant
13 lawsuit and seeks information which is not reasonably likely to lead to the discovery of
14 admissible evidence. Plaintiff does not appear to be alleging that he was denied vacation time.
15 Review of Mr. Lake's time records show that he took substantial vacation time in 2007 (for
16 example, 56 hours in November 2007 and 115 hours in December 2007), 2008 (for example, 28
17 hours in October 2008 and 72 hours in December 2008), and 2009 (for example, 32 hours in
18 September 2009, 32 hours in October 2009, and 96 hours in December 2009).

19 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
20 follows:

21 The litigation is in its preliminary stages. The DFI is currently gathering information which
22 will allow it to answer this interrogatory more completely. If requested to do so, DFI will provide
23 a further response when this information is compiled and/or obtained through discovery. Based
24 on the information currently available to it, DFI responds as follows on information and belief:

25 Whether an employee may take specific time off on vacation is subject to operational needs
26 of the DFI. Accordingly, an employee's request for specific vacation may be denied at a
27 supervisor's discretion where taking the vacation would interfere with the operational needs of
28 the Department. An employee's entitlement to vacation is set forth in the applicable bargaining

1 unit and also discussed in the Employee Administrative Manual. In Mr. Lake's case, he was
2 approved for substantial vacation time in 2007 (for example, 56 hours in November 2007 and 115
3 hours in December 2007), 2008 (for example, 28 hours in October 2008 and 72 hours in
4 December 2008), and 2009 (for example, 32 hours in September 2009, 32 hours in October 2009,
5 and 96 hours in December 2009).

6 **SPECIAL INTERROGATORY NO. 11:**

7 For what reasons would an employee be denied sick leave?

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

9 Defendant DFI repeats each and every general objection and incorporates the same as
10 though fully set forth herein.

11 DFI further objects to this special interrogatory because it is wholly irrelevant to the instant
12 lawsuit and seeks information which is not reasonably likely to lead to the discovery of
13 admissible evidence. Plaintiff does not appear to be alleging that he was denied sick leave.

14 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
15 follows:

16 The litigation is in its preliminary stages. The DFI is currently gathering information which
17 will allow it to answer this interrogatory more completely. If requested to do so, DFI will provide
18 a further response when this information is compiled and/or obtained through discovery. Based
19 on the information currently available to it, DFI responds as follows on information and belief:

20 The sick leave policy is set forth in the MOU relating to the bargaining unit for the
21 employee in question. In general, an employee may take sick time for an illness or injury and
22 sick time shall not be unreasonably denied. It does not appear that Mr. Lake was ever denied sick
23 time.

24 **SPECIAL INTERROGATORY NO. 12:**

25 For what reasons would an employee be denied telework requests?

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 12:**

27 Defendant DFI repeats each and every general objection and incorporates the same as
28 though fully set forth herein.

1 DFI further objects to this special interrogatory because it is wholly irrelevant to the instant
2 lawsuit and seeks information which is not reasonably likely to lead to the discovery of
3 admissible evidence. A decision to allow or disallowing telework does not have a substantial,
4 material effect on employment sufficient to support a discrimination or retaliation claim and does
5 not constitute hostile work environment harassment.

6 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
7 follows:

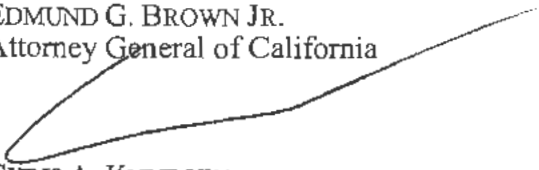
8 The litigation is in its preliminary stages. The DFI is currently gathering information which
9 will allow it to answer this interrogatory more completely. If requested to do so, DFI will provide
10 a further response when this information is compiled and/or obtained through discovery. Based
11 on the information currently available to it, DFI responds as follows on information and belief:

12 The DFI has a telework program which is #1380 in its Policies and Procedures Manual.
13 Whether to allow telework is at the discretion of the particular division and supervisor. It is only
14 allowed where, in the opinion of the supervisor, use of telework would be appropriate.
15 Employees who are interested in telework are responsible for submitting requests for telework to
16 their supervisors. The employee should submit a telework participation form. The employee
17 should also fill out a checklist showing that the home environment constitutes a safe workplace
18 environment. Telework may be denied for operational needs.

19 Dated: May 7, 2010

Respectfully Submitted,

20 EDMUND G. BROWN JR.
21 Attorney General of California

22 
23 CHRIS A. KNUDSEN
24 Supervising Deputy Attorney General
25 *Attorneys for Defendant California*
26 *Department of Financial Institutions*

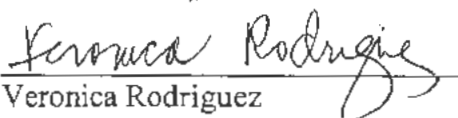
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VERIFICATION

I am the Human Resources Manager for the Department of Financial Institutions ("DFI") and, as such, am authorized to execute this verification on behalf of Defendant California Department of Financial Institutions. I know the contents of the foregoing DEFENDANT DFI's RESPONSES AND OBJECTIONS TO PLAINTIFF DONALD LAKE's FIRST SET OF SPECIAL INTERROGATORIES. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed on April 30, 2010 at Sacramento, California.


Veronica Rodriguez

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Lake, Donald v. California Department of Financial Institutions, et al.**

Case No.: **37-2009-00102604-CU-OE-CTL**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On May 7, 2010, I served the attached:

**DEFENDANT DFI's RESPONSES AND OBJECTIONS TO PLAINTIFF
DONALD LAKE's FIRST SET OF SPECIAL INTERROGATORIES**

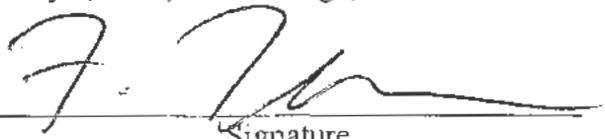
By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Daniel Kodam, Esq.
Kodam & Associates, PC
41880 Kalmia Street, Suite 130
Murrieta, CA 92562

Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 7, 2010, at San Diego, California.

F. Terrones
Declarant



Signature

1 EDMUND G. BROWN JR.
Attorney General of California
2 CHRIS A. KNUDSEN
Supervising Deputy Attorney General
3 State Bar No. 155897
110 West A Street, Suite 1100
4 San Diego, CA 92101
P.O. Box 85266
5 San Diego, CA 92186-5266
Telephone: (619) 645-3060
6 Fax: (619) 645-2581
E-mail: chris.knudsen@doj.ca.gov
7 *Attorneys for Defendants California*
Department of Financial Institutions;
8 *Julio Prada; and Robert Venchiarutti*

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN DIEGO CENTRAL DIVISION
12

13 **DONALD LAKE,**

14 Plaintiff,

15 v.

16
17 **CALIFORNIA DEPARTMENT OF**
FINANCIAL INSTITUTIONS; JULIO
18 **PRADA, an individual; ROBERT**
19 **VENCHIARUTTI an individual; and Does**
1-32,

20 Defendants.
21

Case No. 37-2009-00102604-CU-OE-CTL

Action Filed: November 20, 2009

**DEFENDANT DFI's RESPONSES AND
OBJECTIONS TO PLAINTIFF DONALD
LAKE's FIRST SET OF FORM
INTERROGATORIES—GENERAL**

Dept: C-64
Judge: The Honorable William R.
Nevitt, Jr.

Trial Date: Not Set

22 PROPOUNDING PARTY: PLAINTIFF, DONALD LAKE

23 RESPONDING PARTY: DEFENDANT, CALIFORNIA DEPARTMENT OF FINANCIAL
24 INSTITUTIONS ("DFI")

25 SET NUMBER: ONE
26
27
28

Pursuant to California Code of Civil Procedure section 2030.010 et seq., Defendant California Department of Financial Institutions ("DFI") responds and objects to plaintiff Donald Lake's first set of Form Interrogatories—General as follows:

PRELIMINARY STATEMENT

Defendant DFI has not yet completed its investigation of the facts relating to this action, and has not yet completed its discovery, analysis of matters raised by this action, or preparations for trial. Consequently, these written responses are made without prejudice, and defendant DFI reserves the right to present further information or further documents responsive to these interrogatories as such information and documents are discovered. The DFI further reserves the right to modify, amend, or add to its responses and objections.

The following responses are all based upon information presently available to DFI, and except for facts explicitly stated herein, no admission of any nature whatsoever is to be implied or inferred. The fact that any interrogatory has been answered should not be taken as an admission, or a concession of the existence of any facts set forth or assumed by such interrogatory, or that such answer constitutes evidence of any fact thus set forth or assumed.

The responses which follow are based upon the DFI's understanding of the fair meaning of the interrogatories and in a good faith effort to comply with the law. Moreover, the DFI or its employees may not have direct knowledge or possession of the facts, documents, and other matters referenced in the responses below, however, the DFI has fulfilled its obligation to provide answers based upon information and documents which are presently available to the defense.

The DFI reserves the right to refer to, conduct discovery with reference to, or offer into evidence at the time of trial any and all facts, documents, and other things that are not presently known or available to DFI, but which may be learned at some time in the future notwithstanding these initial responses.

GENERAL OBJECTIONS

Defendant DFI hereby objects to each and every interrogatory on the following grounds, which grounds shall be deemed incorporated into each and every specific response to these interrogatories.

General Objection No. 1:

Defendant DFI objects to these interrogatories to the extent they seek information which is in the possession, custody, or control of persons or entities other than DFI. DFI provides the following responses based upon information within its possession, custody, or control only.

General Objection No. 2:

Defendant DFI objects to these interrogatories to the extent they seek information which is protected from discovery by the attorney-client privilege and/or work product doctrine.

General Objection No. 3:

Defendant DFI objects to these interrogatories to the extent they seek information which is protected by the right of privacy under the United States and California Constitutions and to the extent they seek confidential information.

General Objection No. 4:

Defendant DFI objects to these interrogatories insofar as they seek information equally available to plaintiff, on the grounds that such requests cause unnecessary expense and are unduly burdensome and oppressive.

General Objection No. 5:

Defendant DFI objects to each and every one of these interrogatories to the extent they seek information and documents relating to events occurring prior to January of 2007. Plaintiff did not file his DFEH charge until November 26, 2008. This charge was based on events occurring in October 2007 and March 2008. To the extent these interrogatories seek information relating to events prior to the events at issue in Mr. Lake's charge of discrimination, they are overbroad, unduly burdensome and oppressive, harassing, and fail to seek information within the scope of discovery.

General Objection No. 6:

Defendant DFI makes these responses solely in relation to this action. DFI's responses to these interrogatories are made subject to all appropriate objections which would require the exclusion of any statement contained herein if the interrogatory were asked of, or any statement

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1 contained in the response was made by, a witness present and testifying in court. All such
2 objections and grounds are reserved and may be interposed at the time of trial.

3 **RESPONSES AND OBJECTIONS TO EMPLOYMENT FORM INTERROGATORIES**

4 **FORM INTERROGATORY NO. 1.1:**

5 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON**
6 who prepared or assisted in the preparation of the responses to these interrogatories. (Do not
7 identify anyone who simply typed or reproduced the responses.)

8 **RESPONSE TO FORM INTERROGATORY NO. 1.1:**

9 Chris A. Knudsen
10 Department of Justice
11 Office of the Attorney General
12 110 West "A" Street, Suite 1100
13 San Diego, CA 92101
14 (619) 645-3060

15 Veronica Rodriguez
16 Human Resources Manager
17 Department of Financial Institutions
18 1810 13th Street
19 Sacramento, CA 95811
20 (916) 445-2063

21 **FORM INTERROGATORY NO. 3.1:**

22 Are you a corporation? If so, state:

23 (a) the name stated in the current articles of incorporation;

24 (b) all other names used by the corporation during the past ten years and the dates each
25 was used;

26 (c) the date and place of incorporation;

27 (d) the **ADDRESS** of the principal place of business;

28 (e) whether you are qualified to do business in California.

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1 **RESPONSE TO FORM INTERROGATORY NO. 3.1:**

2 Defendant DFI objects to this Form Interrogatory because it is unintelligible, vague, and
3 ambiguous when applied to a public entity. The section this form interrogatory pertains to is
4 "General Background Information-Business Entity." DFI is a state agency, not a business entity.

5 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
6 follows:

7 No.

8 **FORM INTERROGATORY NO. 3.2:**

9 Are you a partnership? If so, state:

10 (a) the current partnership name;

11 (b) all other names used by the partnership during the past ten years and the dates each
12 was used;

13 (c) whether you are a limited partnership and, if so, under the laws of what jurisdiction;

14 (d) the name and ADDRESS of each general partner; and

15 (e) the ADDRESS of the principal place of business.

16 **RESPONSE TO FORM INTERROGATORY NO. 3.2:**

17 Defendant DFI objects to this Form Interrogatory because it is unintelligible, vague, and
18 ambiguous when applied to a public entity. The section this form interrogatory pertains to is
19 "General Background Information-Business Entity." DFI is a state agency, not a business entity.

20 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
21 follows:

22 No.

23 **FORM INTERROGATORY NO. 3.3:**

24 Are you a limited liability company? If so, state:

25 (a) the name stated in the current articles of incorporation;

26 (b) all other names used by the company during the past ten years and the dates each was
27 used;

28 ///

- (c) the date and place of filing of the articles of organization;
- (d) the ADDRESS of the principal place of business;
- (e) whether you are qualified to do business in California.

RESPONSE TO FORM INTERROGATORY NO. 3.3:

Defendant DFI objects to this Form Interrogatory because it is unintelligible, vague, and ambiguous when applied to a public entity. The section this form interrogatory pertains to is "General Background Information-Business Entity." DFI is a state agency, not a business entity.

Subject to the foregoing objections and without waiver thereof, defendant DFI responds as follows:

No.

FORM INTERROGATORY NO. 3.4:

Are you a joint venture? If so, state:

- (a) the current joint venture name;
- (b) all other names used by the joint venture during the past ten years and the dates each was used;
- (c) the name and ADDRESS of each joint venturer; and
- (d) the ADDRESS of the principal place of business.

RESPONSE TO FORM INTERROGATORY NO. 3.4:

Defendant DFI objects to this Form Interrogatory because it is unintelligible, vague, and ambiguous when applied to a public entity. The section this form interrogatory pertains to is "General Background Information-Business Entity." DFI is a state agency, not a business entity.

Subject to the foregoing objections and without waiver thereof, defendant DFI responds as follows:

No.

FORM INTERROGATORY NO. 3.5:

Are you an unincorporated association? If so, state:

- (a) the current unincorporated association name;

///

1 (b) all other names used by the unincorporated association during the past ten years and
2 the dates each was used; and

3 (c) the **ADDRESS** of the principal place of business.

4 **RESPONSE TO FORM INTERROGATORY NO. 3.5:**

5 Defendant DFI objects to this Form Interrogatory because it is unintelligible, vague, and
6 ambiguous when applied to a public entity. The section this form interrogatory pertains to is
7 "General Background Information-Business Entity." DFI is a state agency, not a business entity.

8 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
9 follows:

10 No.

11 **FORM INTERROGATORY NO. 3.6:**

12 Have you done business under a fictitious name during the past 10 years? If so, for each
13 fictitious name state:

14 (a) the name;

15 (b) the dates each was used;

16 (c) the state and county of each fictitious name filing; and

17 (d) the **ADDRESS** of the principal place of business.

18 **RESPONSE TO FORM INTERROGATORY NO. 3.6:**

19 Defendant DFI objects to this Form Interrogatory because it is unintelligible, vague, and
20 ambiguous when applied to a public entity. The section this form interrogatory pertains to is
21 "General Background Information-Business Entity." DFI is a state agency, not a business entity.

22 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
23 follows:

24 No.

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1 **FORM INTERROGATORY NO. 3.7:**

2 Within the past five years has any public entity registered or licensed your business? If so,
3 for each license or registration:

- 4 (a) identify the license or registration;
5 (b) state the name of the public entity; and
6 (c) state the date of issuance and expiration.

7 **RESPONSE TO FORM INTERROGATORY NO. 3.7:**

8 Defendant DFI objects to this Form Interrogatory because it is unintelligible, vague, and
9 ambiguous when applied to a public entity. The section this form interrogatory pertains to is
10 "General Background Information-Business Entity." DFI is a state agency, not a business entity.

11 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
12 follows:

13 Not Applicable. The DFI is a public entity and an agency of the State of California; it is not
14 a business.

15 **FORM INTERROGATORY NO. 4.1:**

16 At the time of the **INCIDENT**, was there in effect any policy of insurance through which
17 you were or might be insured in any manner (for example, primary, pro-rata, or excess liability
18 coverage or medical expense coverage) for the damages, claims, or actions that have arisen out of
19 the **INCIDENT**? If so, for each policy state:

- 20 (a) the kind of coverage;
21 (b) the name and **ADDRESS** of the insurance company;
22 (c) the name, **ADDRESS**, and telephone number of each named insured;
23 (d) the policy number;
24 (e) the limits of coverage for each type of coverage contained in the policy;
25 (f) whether any reservation of rights or controversy or coverage dispute exists between
26 you and the insurance company;
27 (g) the name, **ADDRESS**, and telephone number of the custodian of the policy

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1 **RESPONSE TO FORM INTERROGATORY NO. 4.1:**

2 No. The DFI is an agency of the State of California. Accordingly, a judgment against the
3 DFI would be treated like any other judgment against a state agency.

4 **FORM INTERROGATORY NO. 4.2:**

5 Are you self-insured under any statute for the damages, claims, or actions that have arisen
6 out of the **INCIDENT**. If so, specify the statute.

7 **RESPONSE TO FORM INTERROGATORY NO. 4.2:**

8 No. The DFI is an agency of the State of California. Accordingly, a judgment against the
9 DFI would be treated like any other judgment against a state agency.

10 **FORM INTERROGATORY NO. 9.1:**

11 Are there any other damages that you attribute to the **INCIDENT**? If so, for each item of
12 damage state:

- 13 (a) the nature;
- 14 (b) the date it occurred;
- 15 (c) the amount; and
- 16 (d) the name, **ADDRESS**, and telephone number of each **PERSON** to whom an
17 obligation was incurred.

18 **RESPONSE TO FORM INTERROGATORY NO. 9.1:**

19 Defendant DFI objects to this Form Interrogatory because it is unintelligible, vague, and
20 ambiguous as applied to the context of this case where DFI is the defendant.

21 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
22 follows:

23 DFI denies that Plaintiff has been damaged in any amount due to the actions of defendants.
24 Plaintiff's discovery responses and deposition testimony to date indicate that Plaintiff has no case
25 and that his litigation of this action is unreasonable, frivolous, meritless, and vexatious. DFI is
26 being forced to incur attorneys' fees and costs to defend itself in this litigation. Under such
27 circumstances, the DFI will be entitled to recover its attorneys' fees and costs after it prevails.

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(see Gov't Code § 12965(b); *Bond v. Pulsar Video Prod.* (1996) 50 Cal.App.4th 918, 920-921; *Villanueva v. City of Colton* (2008) 160 Cal.App.4th 1188, 1200-1201.)

FORM INTERROGATORY NO. 9.2:

Do any **DOCUMENTS** support the existence or amount of any item of damages claimed in interrogatory 9.1? If so, describe each document and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

RESPONSE TO FORM INTERROGATORY NO. 9.2:

If DFI brings a motion for attorneys' fees at the conclusion of this case, it will support its motion with invoices and time descriptions from the Attorney General's Office showing the attorney time spent and costs incurred with respect to this litigation.

FORM INTERROGATORY NO. 12.1:

State the name, **ADDRESS**, and telephone number of each individual:

(a) who witnessed the **INCIDENT** or events occurring immediately before or after the **INCIDENT**;

(b) who made any statement at the scene of the **INCIDENT**;

(c) who heard any statements made about the **INCIDENT** by any individual at the scene;

(d) who **YOU OR ANYONE ACTING ON YOUR BEHALF** has knowledge of the **INCIDENT** (except for expert witnesses covered by Code of Civil Procedure section 2034)

RESPONSE TO FORM INTERROGATORY NO. 12.1:

Defendant DFI objects to this Form Interrogatory because the term **INCIDENT** is vague and ambiguous as used in this interrogatory; this litigation does not arise out of one "incident" or "accident" but rather Plaintiff alleges age and race discrimination and harassment and unlawful retaliation occurring over a period of time. According, it is impossible to answer questions about witnesses to an "incident," statements made at the "scene" of an "incident," and statements made about the "incident" by individuals on the scene. There was no one "incident" and no "scene."

The DFI is willing to consider responding to an interrogatory which makes clear what information Plaintiff is seeking.

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1 **FORM INTERROGATORY NO. 12.2:**

2 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual
3 concerning the **INCIDENT**? If so, for each individual state:

4 (a) the name, **ADDRESS**, and telephone number of the individual interviewed;

5 (b) the date of the interview;

6 (c) the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the
7 interview.

8 **RESPONSE TO FORM INTERROGATORY NO. 12.2:**

9 Defendant DFI repeats each and every general objection and incorporates the same as
10 though fully set forth herein.

11 Defendant DFI objects to this Form Interrogatory on the grounds that it seeks privileged
12 attorney-client and work product information. (See *Nacht & Lewis Architects, Inc. v. Superior*
13 *Court* (1996) 47 Cal.App.4th 214, 217.) In particular, the DFI will produce no information
14 relating to witness interviews by its attorneys, including the Attorney General's Office.
15 Defendant DFI also objects to this interrogatory on the ground that it seeks confidential and
16 private information. Defendant DFI also objects to this interrogatory on the ground that the term
17 "INCIDENT" is vague and ambiguous as applied to this action because plaintiff is seeking
18 recovery for various alleged acts constituting alleged discrimination, harassment, or retaliation
19 occurring over a period of time rather than a specific incident.

20 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
21 follows:

22 The litigation is in its preliminary stages. The DFI is currently gathering information which
23 will allow it to answer this interrogatory more completely. If requested to do so, DFI will provide
24 a further response when this information is compiled and/or obtained through
25 discovery. Based on the information currently available to it, DFI responds as follows on
26 information and belief:

27 In response to Plaintiff's workplace violence complaint, Anne Jordan of Human Resources
28 interviewed witnesses in July and August of 2008 including Jeannette Barraza, Meli Brown, Scott

1 Cameron, Mariano Cansico, Craig Carlson, Vivien Chen, Arlene De La Cruz, Paul Fong, Dhaval
2 Gandhi, Sandy Ho, Donald Lake, Kendrick Lo, Patrick Lum, Oscar Lumen, Mary Ann Magee,
3 Albert Marquez, Julio Prada, Cari Rodriguez, Omar Shahin, Roslyn Tomaszewski, Nida Torion,
4 Yolanda Torres, Robert Venchiarutti, Edmund Wong, Jenny Wong, and Rina Z. These
5 interviews were tape recorded.

6 In response to Plaintiff's race and age discrimination complaint, Investigator Robert L.
7 McCree interviewed witnesses including Jeannette Barraza, Carol Chesbrough, Patrick Lum,
8 Oscar Lumen, Julio Prada, John Rockwell, Roslyn Tomaszewski, Yolanda Torres, and Robert
9 Venchiarutti. These interviews were tape recorded.

10 **FORM INTERROGATORY NO. 12.3:**

11 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or recorded
12 statement from any individual concerning the **INCIDENT**? If so, for each statement state:

13 (a) the name, **ADDRESS**, and telephone number of the individual from whom the
14 statement was obtained;

15 (b) the name, **ADDRESS**, and telephone number of the individual who obtained the
16 statement;

17 (c) the date the statement was obtained;

18 (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original
19 statement or a copy.

20 **RESPONSE TO FORM INTERROGATORY NO. 12.3:**

21 Defendant DFI repeats each and every general objection and incorporates the same as
22 though fully set forth herein.

23 Defendant DFI objects to this Form Interrogatory on the grounds that it seeks privileged
24 attorney-client and work product information. (See *Nacht & Lewis Architects, Inc. v. Superior*
25 *Court* (1996) 47 Cal.App.4th 214, 217.) In particular, the DFI will produce no information
26 relating to witness interviews by its attorneys, including the Attorney General's Office.

27 Defendant DFI also objects to this interrogatory on the ground that it seeks confidential and
28 private information and may extend to private peace officer information. Defendant DFI also

1 objects to this interrogatory on the ground that the term "INCIDENT" is vague and ambiguous as
2 applied to this action because plaintiff is seeking recovery for various alleged acts constituting
3 alleged discrimination, harassment, or retaliation occurring over a period of time rather than a
4 specific incident.

5 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
6 follows:

7 The litigation is in its preliminary stages. The DFI is currently gathering information which
8 will allow it to answer this interrogatory more completely. If requested to do so, DFI will provide
9 a further response when this information is compiled and/or obtained through discovery. Based
10 on the information currently available to it, DFI responds as follows on information and belief:

11 In response to Plaintiff's workplace violence complaint, Anne Jordan of Human Resources
12 interviewed witnesses in July and August of 2008 including Jeannette Barraza, Meli Brown, Scott
13 Cameron, Mariano Cansico, Craig Carlson, Vivien Chen, Arlene De La Cruz, Paul Fong, Dhaval
14 Gandhi, Sandy Ho, Donald Lake, Kendrick Lo, Patrick Lum, Oscar Lumen, Mary Ann Magee,
15 Albert Marquez, Julio Prada, Cari Rodriguez, Omar Shahin, Roslyn Tomaszewski, Nida Torion,
16 Yolanda Torres, Robert Venchiarutti, Edmund Wong, Jenny Wong, and Rina Z. These
17 interviews were tape recorded. The DFI is in the process of getting the tape recordings
18 transcribed and will produce the transcriptions as part of its production of documents.

19 In response to Plaintiff's race and age discrimination complaint, Investigator Robert L.
20 McCree interviewed witnesses including Jeannette Barraza, Carol Chesbrough, Patrick Lum,
21 Oscar Lumen, Julio Prada, John Rockwell, Roslyn Tomaszewski, Yolanda Torres, and Robert
22 Venchiarutti. These interviews were tape recorded. The DFI is in the process of getting the tape
23 recordings transcribed and will produce the transcriptions as part of its production of documents.

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1 **FORM INTERROGATORY NO. 12.4:**

2 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any photographs, films,
3 or videotapes depicting any place, object, or individual concerning the **INCIDENT** or plaintiff's
4 injuries? If so, state:

5 (a) the number of photographs or feet of film or videotape;

6 (b) the places, objects, or persons photographed, filmed, or videotaped;

7 (c) the date the photographs, films, or videotapes taken;

8 (d) the name, **ADDRESS**, and telephone number of the individual taking the photographs,
9 films, or videotapes;

10 (e) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original
11 or a copy.

12 **RESPONSE TO FORM INTERROGATORY NO. 12.4:**

13 Defendant DFI repeats each and every general objection and incorporates the same as
14 though fully set forth herein.

15 Defendant DFI objects to this interrogatory on the ground that the term "INCIDENT" is
16 vague and ambiguous as applied to this action because plaintiff is seeking recovery for alleged
17 acts constituting alleged discrimination, harassment, or retaliation occurring over a period of time
18 rather than a specific incident. There was no accident scene or similar specific incident suitable
19 for photographs, films, or videotapes.

20 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
21 follows on information and belief:

22 No.

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1 **FORM INTERROGATORY NO. 12.5:**

2 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any diagram,
3 reproduction, or model of any place or thing (except for items developed by expert witnesses
4 covered by Code of Civil Procedure section 2034.210-2034.310) concerning the **INCIDENT**? If
5 so, for each item state:

- 6 (a) the type (i.e. diagram, reproduction, or model);
7 (b) the subject matter;
8 (c) the name, **ADDRESS**, and telephone number of each **PERSON** who has it.

9 **RESPONSE TO FORM INTERROGATORY NO. 12.5:**

10 Defendant DFI repeats each and every general objection and incorporates the same as
11 though fully set forth herein.

12 Defendant DFI objects to this interrogatory on the ground that the term "INCIDENT" is
13 vague and ambiguous as applied to this action because plaintiff is seeking recovery for alleged
14 acts constituting alleged discrimination, harassment, or retaliation occurring over a period of time
15 rather than a specific incident. In addition, this action does not involve an accident, crime, or
16 similar event where a diagram, reproduction, or model would be of probative value.

17 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
18 follows on information and belief:

19 A diagram of the San Diego office where plaintiff works is attached to the first volume of
20 Plaintiff's deposition transcript. Otherwise, no.

21 **FORM INTERROGATORY NO. 12.6:**

22 Was a report made by any **PERSON** concerning the **INCIDENT**? If so, state:

- 23 (a) the name, title, identification number, and employer of the **PERSON** who made the
24 report;
25 (b) the date and type of report made;
26 (c) the name, **ADDRESS**, and telephone number of the **PERSON** for whom the report
27 was made.

28 ///

1 **RESPONSE TO FORM INTERROGATORY NO. 12.6:**

2 Defendant DFI repeats each and every general objection and incorporates the same as
3 though fully set forth herein.

4 Defendant DFI objects to this interrogatory because it seeks information protected by the
5 attorney-client and attorney work product privileges. Defendant DFI also objects to this
6 interrogatory on the ground that it seeks confidential and private information and may extend to
7 private peace officer information. In addition, the term "INCIDENT" is vague and ambiguous as
8 applied to this action because plaintiff is seeking recovery for various alleged acts occurring over
9 a period of time allegedly constituting discrimination, harassment, or retaliation. Accordingly,
10 there is no specific incident about which a "report" could be made.

11 The DFI is willing to consider responding to an interrogatory which makes clear what
12 information Plaintiff is seeking.

13 **FORM INTERROGATORY NO. 12.7:**

14 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** inspected the scene of the
15 **INCIDENT?** If so, for each inspection state:

16 (a) the name, **ADDRESS**, and telephone number of the individual making the inspection
17 (except for expert witnesses covered by Code of Civil Procedure section 2034.210-2034.310);

18 (b) the date of the inspection.

19 **RESPONSE TO FORM INTERROGATORY NO. 12.7:**

20 Defendant DFI repeats each and every general objection and incorporates the same as
21 though fully set forth herein. Defendant DFI restates its objection to this Form Interrogatory on
22 the grounds that it seeks privileged attorney-client and attorney work product information.

23 Defendant DFI objects to this interrogatory on the ground that the term "INCIDENT" is
24 vague and ambiguous as applied to this action because plaintiff is seeking recovery for alleged
25 acts constituting alleged discrimination, harassment, or retaliation occurring over a period of time
26 rather than a specific incident. In addition, this action does not involve an accident, crime, or
27 similar event where there is a "scene."

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1 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
2 follows:

3 Not Applicable.

4 **FORM INTERROGATORY NO. 13.1:**

5 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** conducted surveillance of any
6 individual involved in the **INCIDENT** or any party to this action? If so, for each surveillance
7 state:

8 (a) the name, **ADDRESS**, and telephone number of the individual or party;

9 (b) the time, date, and place of the surveillance;

10 (c) the name, **ADDRESS**, and telephone number of the individual who conducted the
11 surveillance.

12 **RESPONSE TO FORM INTERROGATORY NO. 13.1:**

13 Defendant DFI repeats each and every general objection and incorporates the same as
14 though fully set forth herein. Defendant DFI restates its objection to this Form Interrogatory on
15 the grounds that it seeks privileged attorney-client and attorney work product information.

16 Defendant DFI objects to this interrogatory on the ground that the term "INCIDENT" is
17 vague and ambiguous as applied to this action because plaintiff is seeking recovery for alleged
18 acts constituting alleged discrimination, harassment, or retaliation occurring over a period of time
19 rather than a specific incident. This action does not involve a specific "incident" such as an
20 accident or crime that pertains to a specific "scene" or "location." Accordingly, it is unclear
21 what is meant by "any individual involved in the INCIDENT."

22 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
23 follows:

24 No.

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1 **FORM INTERROGATORY NO. 14.1:**

2 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** contend that any **PERSON**
3 involved in the **INCIDENT** violated any statute, ordinance, or regulation and that the violation
4 was a legal (proximate) cause of the **INCIDENT**? If so, identify each **PERSON** and the statute,
5 ordinance, or regulation.

6 **RESPONSE TO FORM INTERROGATORY NO. 14.1:**

7 Defendant DFI repeats each and every general objection and incorporates the same as
8 though fully set forth herein.

9 Defendant DFI also objects to this interrogatory on the ground that the term "INCIDENT"
10 is vague and ambiguous as applied to this action because plaintiff is seeking recovery for various
11 alleged acts allegedly constituting discrimination, harassment, or retaliation occurring over a
12 period of time.

13 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
14 follows:

15 The DFI is currently gathering information which will allow it to answer this interrogatory
16 more completely. If requested to do so, the DFI will provide a further response when this
17 information is compiled and/or obtained through discovery. Based on the information currently
18 available to it, DFI responds as follows:

19 Defendant DFI denies that the defendants violated any statute, ordinance, or regulation that
20 was the proximate cause of the "INCIDENT." The DFI does not yet have enough information to
21 determine whether Plaintiff or another individual violated any statute, ordinance, or regulation
22 that was the proximate cause of the **INCIDENT**.

23 **FORM INTERROGATORY NO. 14.2:**

24 Was any **PERSON** cited or charged with a violation of any statute, ordinance, or regulation
25 as a result of this **INCIDENT**? If so, for each **PERSON** state:

- 26 (a) the name, **ADDRESS**, and telephone number of the **PERSON**;
27 (b) the statute, ordinance, or regulation allegedly violated;

28 ///

1 (c) whether the **PERSON** entered a plea in response to the citation or charge and, if so,
2 the plea entered; and

3 (d) the name and **ADDRESS** of the court or administrative agency, names of the parties,
4 and case number.

5 **RESPONSE TO FORM INTERROGATORY NO. 14.2:**

6 Not applicable.

7 **FORM INTERROGATORY NO. 15.1:**

8 Identify each denial of material allegation and each special or affirmative defense in your
9 pleadings and for each:

10 (a) state all facts upon which you base the denial or special or affirmative defense;

11 (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have
12 knowledge of those facts;

13 (c) identify all **DOCUMENTS** and other tangible things which support your denial or
14 special and affirmative defense, and state the name, **ADDRESS**, and telephone number of the
15 **PERSON** who has each **DOCUMENT**.

16 **RESPONSE TO FORM INTERROGATORY NO. 15.1**

17 Defendant DFI repeats each and every general objection and incorporates the same as
18 though fully set forth herein.

19 The DFI further objects to this interrogatory on the ground that it is overbroad, and vague,
20 and ambiguous regarding the DFI's denial of "material allegations" in that the DFI's answer to
21 the complaint was a general denial pursuant to section 431.30 of the Code of Civil Procedure.
22 The DFI is not willing to guess at what Plaintiff considers material, especially in light of his
23 deposition testimony which is, in places, at variance with the allegations of his complaint. The
24 DFI is, however, willing to consider responding to more focused interrogatories relating to
25 matters which are truly in dispute.

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1 With respect to the request for information on affirmative defenses, the DFI restates its
2 objection to this interrogatory to the extent it seeks to discover information protected by the
3 attorney client and attorney work product privileges. The DFI further objects to this interrogatory
4 to the extent it seeks to discover the legal reasoning underlying defendants' affirmative defenses.

5 Subject to the foregoing objections and without waiver thereof, the DFI responds as
6 follows:

7 The DFI is currently gathering information which will allow it to answer this interrogatory
8 more completely. If requested to do so, DFI will provide a further response when this
9 information is compiled and/or obtained through discovery. Based on the information currently
10 available to it, DFI responds as follows on information and belief:

11 (a) Factual Basis for Affirmative Defense

12 **First Affirmative Defense--Failure to State a Cause of Action**

13 The issue of whether the Complaint states a cause of action is entirely legal in nature and
14 does not require additional factual support.

15 **Second Affirmative Defense--Statute of Limitations**

16 Plaintiff cannot seek to recover for alleged conduct occurring more than one year before the
17 date he filed her claim with the Department of Fair Employment and Housing, nor can he assert
18 theories not specified in that claim. Plaintiff filed his first claim with the DFEH in November
19 2008. Accordingly, to the extent his claims are based on alleged actions or omissions occurring
20 before November 2007, they are barred by the statute of limitations.

21 **Third Affirmative Defense--Estoppel and Waiver**

22 Discovery is continuing and the DFI is currently gathering information which will allow it
23 to answer this interrogatory more completely. Based on the information currently available, DFI
24 responds as follows:

25 Plaintiff made earlier complaints but then made statements indicating that he felt that his
26 concerns had been adequately addressed. The DFI reasonably relied on these statements. He
27 now appears to be basing this lawsuit, at least in part, on those issues he stated were resolved.

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1 Plaintiff filed an appeal with the State Personnel Board, but then withdrew the appeal. Plaintiff
2 cannot now, in this litigation, advance a position contrary to his earlier statements.

3 **Fourth Affirmative Defense—Laches**

4 Discovery is continuing and the DFI is currently gathering information which will allow it
5 to answer this interrogatory more completely. Based on the information currently available, DFI
6 responds as follows:

7 Plaintiff did not file a complaint with the Department of Fair Employment and Housing
8 until November 26, 2008.

9 Plaintiff made an internal complaint about Mr. Prada in 2005. At that time, he claimed that
10 he was being subjected to discriminatory acts. The DFI took action to address his concerns and
11 Plaintiff made statements indicating that he felt his concerns had been addressed. In failing to
12 bring this lawsuit in 2005 or 2006, Plaintiff unreasonably delayed to the detriment of DFI.
13 Several witnesses have retired or otherwise left DFI since 2005.

14 **Fifth Affirmative Defense—Failure to Exhaust Administrative Remedies**

15 Plaintiff first filed a complaint of discrimination with the DFEH in November 2008.

16 Plaintiff's November 26, 2008 Complaint of Discrimination filed with the Department of
17 Fair Employment and Housing does not allege any conduct occurring prior to October 2007, and,
18 in fact, only raises two issues (1) that Plaintiff had not received the results of the investigation
19 conducted by DFI, and (2) that Plaintiff received what he felt was an unwarranted Individual
20 Development Plan. Plaintiff's December 22, 2009 Charge of Discrimination filed with the EEOC
21 only complains about three specified failures to be promoted: (1) a May 20, 2009 application for
22 FIM, (2) a November 23, 2009 application for FIM, and (3) a December 7, 2009 application for
23 FIM.

24 Plaintiff never filed a Government Claim with the Government Claims Program at the
25 Victim Compensation and Government Claims Board formerly known as the State Board of
26 Control.

27 Plaintiff withdrew his action with the State Personnel Board.

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1 **Sixth Affirmative Defense—Failure to Comply With Notice and Claim Requirements**

2 Plaintiff appears to be advancing claims not embraced within his DFEH and EEOC charges
3 of discrimination. Plaintiff first filed a complaint of discrimination with the DFEH in November
4 2008. Plaintiff's November 26, 2008 Complaint of Discrimination filed with the Department of
5 Fair Employment and Housing does not allege any conduct occurring prior to October 2007, and,
6 in fact, only raises two issues (1) that Plaintiff had not received the results of the investigation
7 conducted by DFI, and (2) that Plaintiff received what he felt was an unwarranted Individual
8 Development Plan. Plaintiff's December 22, 2009 Charge of Discrimination filed with the EEOC
9 only complains about three specified failures to be promoted: (1) a May 20, 2009 application for
10 FIM, (2) a November 23, 2009 application for FIM, and (3) a December 7, 2009 application for
11 FIM.

12 Plaintiff never filed a Government Claim with the Government Claims Program at the
13 Victim Compensation and Government Claims Board formerly known as the State Board of
14 Control.

15 Plaintiff withdrew his action with the State Personnel Board.

16 **Seventh Affirmative Defense—Failure to Exhaust Remedies: Claims Not Stated in**
17 **Administrative Claim**

18 Plaintiff's lawsuit is barred to the extent it seeks to enlarge upon the alleged acts and
19 omissions set forth in the administrative complaints filed with the DFEH and EEOC. Plaintiff's
20 November 26, 2008 Complaint of Discrimination filed with the Department of Fair Employment
21 and Housing does not allege any conduct occurring prior to October 2007, and, in fact, only raises
22 two issues (1) that Plaintiff had not received the results of the investigation conducted by DFI,
23 and (2) that Plaintiff received what he felt was an unwarranted Individual Development Plan.
24 Plaintiff's December 22, 2009 Charge of Discrimination filed with the EEOC only complains
25 about three specified failures to be promoted: (1) a May 20, 2009 application for FIM, (2) a
26 November 23, 2009 application for FIM, and (3) a December 7, 2009 application for FIM.

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1 **Eighth Affirmative Defense—Unclean Hands**

2 Discovery is continuing and the DFI is currently gathering information which will allow it
3 to answer this interrogatory more completely. Based on the information currently available, DFI
4 responds as follows:

5 Plaintiff has taken inconsistent positions regarding his earlier complaints in 2005 and 2006.
6 Plaintiff stated that his concerns had been addressed. In addition, Plaintiff engaged in the same
7 sort of minor conduct which he alleges on the part of Mr. Prada. Plaintiff was, on occasion, rude
8 to other examiners. Plaintiff appears to be exaggerating his claimed emotional distress by
9 alleging post traumatic stress syndrome based on the very minor conduct alleged.

10 **Ninth Affirmative Defense—Immunity and Privilege**

11 The DFI's actions had nothing to do with Plaintiff's race or age or due to his making any
12 complaint. In fact, neither Mr. Prada nor anyone else at DFI took any sort of adverse
13 employment action against Plaintiff. Mr. Prada had no involvement in any promotional
14 opportunity Plaintiff applied for. Mr. Prada was privileged to provide his assessment of
15 Plaintiff's performance and to correct Plaintiff's work.

16 **Tenth Affirmative Defense—Eleventh Amendment**

17 Plaintiff is asserting federal claims against a state entity.

18 **Eleventh Affirmative Defense—Legitimate Reason For Employment Action**

19 Discovery is continuing and the DFI is currently gathering information which will allow it
20 to answer this interrogatory more completely. In particular, the DFI has not yet completed
21 Plaintiff's deposition and does not yet know the basis for all of Plaintiff's claims. Based on the
22 information currently available, DFI responds as follows:

23 The DFI never took any adverse employment action against Plaintiff. He has never been
24 disciplined in any way. Plaintiff remains a Senior Financial Institutions Examiner.

25 All employment actions taken by the DFI had nothing to do with either Plaintiff's race, age,
26 or any complaint he may have made. For example, Mr. Prada gave Mr. Lake an Improvement
27 Needed in the category of "Supervising The Work of Others" in Plaintiff's early 2008 Individual
28 Development Plan because Mr. Prada felt that Mr. Lake had not reviewed the work of junior

1 examiners under him as fully as he should have. Mr. Prada felt that as an Examiner In Charge,
2 Mr. Lake needed to ensure that work assignments are fully discussed and work products are
3 reviewed for accuracy prior to submission of the examination report.

4 Like many individuals at DFI, Plaintiff has applied for promotional opportunities but not
5 been the successful candidate. At present it is unclear what particular promotional opportunities
6 Plaintiff is claiming were the result of discrimination or retaliation. However, DFI is informed
7 and believes that the decision makers with respect to each of the promotional opportunities
8 Plaintiff has applied for are persons whom Plaintiff does not contend have any discriminatory or
9 retaliatory animus towards him. Plaintiff did not receive those promotions because the successful
10 candidates interviewed better and were, in the estimation, of the persons making the decisions a
11 better fit for the position they were selected for.

12 **Twelfth Affirmative Defense: After-Acquired Evidence**

13 Discovery is continuing and the DFI is currently gathering information which will allow it
14 to answer this aspect of this interrogatory more completely. If requested to do so, DFI will
15 provide a further response when such additional information is discovered.

16 **Thirteenth Affirmative Defense—*Faragher* Defense**

17 Discovery is continuing and the DFI is currently gathering information which will allow it
18 to answer this aspect of this interrogatory more completely. In particular, the DFI has not yet
19 completed Plaintiff's deposition and does not yet know the basis for all of Plaintiff's claims.
20 Based on the information currently available, DFI responds as follows:

21 The DFI has a comprehensive anti-harassment policy and takes reasonable care to prevent
22 and correct promptly any harassing behavior. It has a complaint procedure and, in Plaintiff's
23 case, conducted two investigations. Plaintiff never provided DFI with any evidence that Mr.
24 Prada, or any other supervisor or manager, was harassing him on the basis of his race or age.
25 Moreover, Plaintiff raised work issues, made noises about them being discriminatory, and then
26 retreated from that position on a number of occasions.

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1 **Fourteenth Affirmative Defense—McGinnis Defense**

2 Discovery is continuing and the DFI is currently gathering information which will allow it
3 to answer this aspect of this interrogatory more completely. In particular, the DFI has not yet
4 completed Plaintiff's deposition and does not yet know the basis for all of Plaintiff's claims.
5 Based on the information currently available, DFI responds as follows:

6 The DFI has a comprehensive anti-harassment policy and takes reasonable care to prevent
7 and correct promptly any harassing behavior. It has a complaint procedure and, in Plaintiff's
8 case, conducted two investigations. Plaintiff never provided DFI with any evidence that Mr.
9 Prada, or any other supervisor or manager, was harassing him on the basis of his race or age.
10 Rather, Plaintiff raised work issues, made noises about them being discriminatory, and then
11 retreated from that position on a number of occasions. Assuming that any actual harassment
12 based on race or age occurred, any harm to Plaintiff could have been avoided by his use of the
13 DFI's complaint procedures.

14 **Fifteenth Affirmative Defense—Reasonable Steps To Prevent Harassment**

15 The DFI has taken reasonable steps to prevent and correct promptly any harassing behavior.
16 The DFI has a comprehensive anti-harassment policy including a procedure to make complaints
17 and for investigations. It provides training on harassment to its employees and also disseminates
18 information on the policy through its Intranet and distributing copies of the policy. The DFI
19 investigates complaints of discrimination, harassment, and retaliation. If harassment is found, the
20 DFI will take appropriate corrective action to remedy the harassment.

21 **Sixteenth Affirmative Defense—Avoidable Consequences Defense**

22 Discovery is continuing and the DFI is currently gathering information which will allow it
23 to answer this aspect of this interrogatory more completely. In particular, the DFI has not yet
24 completed Plaintiff's deposition and does not yet know the basis for all of Plaintiff's claims.
25 Based on the information currently available, DFI responds as follows:

26 The DFI has a comprehensive anti-harassment, discrimination, and retaliation policy and
27 takes reasonable care to prevent and correct promptly any discriminatory, retaliatory, or harassing
28 behavior. It has a complaint procedure and, in Plaintiff's case, conducted two investigations.

1 Plaintiff never provided DFI with any evidence that Mr. Prada, or any other supervisor or
2 manager, was harassing or discriminating against him on the basis of his race or age. Nor did
3 Plaintiff provide evidence of retaliation. In particular, Plaintiff never included in his complaint
4 his current allegation that Mr. Venchiarutti threatened to terminate him. Rather, Plaintiff raised
5 work issues, made noises about them being discriminatory, and then retreated from that position
6 on a number of occasions. Assuming that any actual retaliation or harassment or discrimination
7 based on race or age occurred, any harm to Plaintiff could have been avoided by his use of the
8 DFI's complaint procedures.

9 **Seventeenth Affirmative Defense—Workers Compensation Exclusivity**

10 The issue of whether the Plaintiff's claims are barred by workers compensation is legal in
11 nature.

12 **Eighteenth Affirmative Defense—Settlement And Release**

13 Discovery is continuing and the DFI is currently gathering information which will allow it
14 to answer this aspect of this interrogatory more completely. If requested to do so, DFI will
15 provide a further response when such additional information is discovered.

16 **Nineteenth Affirmative Defense—No Damage By Acts of Defendants**

17 Discovery is continuing and the DFI is currently gathering information which will allow it
18 to answer this aspect of this interrogatory more completely. Based on the information currently
19 available, DFI responds as follows:

20 Plaintiff has not lost any wages or benefits due to any "adverse employment action"
21 because he has never been subjected to an adverse employment action during the time he worked
22 at DFI. Like many other employees, Plaintiff was not promoted to a management level position,
23 but this was not due to any wrongful act of Defendants. Plaintiff remains a valued Senior
24 Financial Institutions Examiner with DFI with full wages and benefits.

25 Plaintiff appears to have a history of mental or emotional issues entirely unrelated to
26 defendants. Court records reveal that Plaintiff has had prior history of depression, including
27 related to his separation and divorce from his first wife. Plaintiff's first wife apparently obtained
28 a restraining order against Plaintiff for an incident in which he broke into her house, jumped on

1 her back while she was sleeping, held her left arm tightly behind her back, twisted her neck, and
2 held his hand over her mouth and nose. Plaintiff allegedly made statements such as "I'd rather
3 see you dead than with someone else" while swinging around a police night stick. Plaintiff was
4 apparently convicted of spousal battery which was dismissed after Plaintiff successfully served
5 his probation. It also appears that Plaintiff was separated from his children for a substantial
6 period of time. Plaintiff appears to have been hospitalized due to his emotional problems.

7 Plaintiff has also admitted to suffering substantial distress from actions that are objectively
8 innocuous. For example, Mr. Lake testified at the first session of his deposition that he suffered a
9 stress reaction simply from hearing Mr. Prada's voice. This occurred although Mr. Prada
10 admittedly said nothing inappropriate to Mr. Lake during the conversation.

11 **Twentieth Affirmative Defense—Existence of Supervening and/or Intervening Events**

12 Discovery is continuing and the DFI is currently gathering information which will allow it
13 to answer this aspect of this interrogatory more completely. Based on the information currently
14 available, DFI responds as follows:

15 Plaintiff has not lost any wages or benefits due to any action or omission of defendants. To
16 the extent, Plaintiff has any damages whatsoever, they must have been cause by events other than
17 the trivial employment issues raised by Plaintiff in this Action. It appears Plaintiff has a history
18 of depression and, perhaps, a diagnosable personality disorder.

19 **Twenty-First Affirmative Defense—Emotional Distress Caused By Other Factors**

20 Discovery is continuing and the DFI is currently gathering information which will allow it
21 to answer this aspect of this interrogatory more completely. Based on the information currently
22 available, DFI responds as follows:

23 Nothing that has occurred in Plaintiff's job caused him emotional distress. To the extent
24 Plaintiff has any damages whatsoever, they must have been cause by events other than the trivial
25 employment issues raised by Plaintiff in this Action. It appears Plaintiff has a history of
26 depression and, perhaps, a diagnosable personality disorder.

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1 **Twenty-Second Affirmative Defense—Failure To Mitigate Damages**

2 Discovery is continuing and the DFI is currently gathering information which will allow it
3 to answer this aspect of this interrogatory more completely. Based on the information currently
4 available, DFI responds as follows:

5 Defendants have done nothing to cause Plaintiff damages. Plaintiff appears to have
6 significant issues which are the cause of any mental or emotional issues he may have. This
7 includes a history of depression.

8 **Twenty-Third Affirmative Defense—Immunity of Public Entities from Liability for**
9 **Punitive Damages**

10 Pursuant to Section 818 of the Government Code, defendant DFI, a state agency, is immune
11 from liability for punitive damages.

12 **Twenty-Fourth Affirmative Defense—Set-Off**

13 Discovery is continuing and the DFI is currently gathering information which will allow it
14 to answer this interrogatory more completely. If requested to do so, DFI will provide a further
15 response when such additional information is discovered.

16 **Twenty-Fifth Affirmative Defense—Contributory Fault**

17 Discovery is continuing and the DFI is currently gathering information which will allow it
18 to answer this aspect of this interrogatory more completely. Based on the information currently
19 available, DFI responds as follows:

20 Plaintiff has not lost any wages or benefits due to any action or omission of defendants. To
21 the extent, Plaintiff has any damages whatsoever, they must have been caused by events other than
22 the trivial employment issues raised by Plaintiff in this Action. It appears Plaintiff has a history
23 of depression and, perhaps, a diagnosable personality disorder. Plaintiff's current problems may
24 be due to his failure to adequately deal with his feelings after his divorce to his first wife,
25 depression, and subsequent lack of contact with his children.

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1 **Twenty-Sixth Affirmative Defense--Proportional Fault**

2 Discovery is continuing and the DFI is currently gathering information which will allow it
3 to answer this aspect of this interrogatory more completely. Based on the information currently
4 available, DFI responds as follows:

5 Plaintiff has not lost any wages or benefits due to any action or omission of defendants. To
6 the extent, Plaintiff has any damages whatsoever, they must have been cause by events other than
7 the trivial employment issues raised by Plaintiff in this Action. It appears Plaintiff has a history
8 of depression and, perhaps, a diagnosable personality disorder. Plaintiff's current problems may
9 be due to his failure to adequately deal with his feelings after his divorce to his first wife,
10 depression, and subsequent lack of contact with his children.

11 **Twenty-Seventh Affirmative Defense--Apportionment of Damages**

12 Discovery is continuing and the DFI is currently gathering information which will allow it
13 to answer this aspect of this interrogatory more completely. Based on the information currently
14 available, DFI responds as follows:

15 Plaintiff has not lost any wages or benefits due to any action or omission of defendants. To
16 the extent, Plaintiff has any damages whatsoever, they must have been cause by events other than
17 the trivial employment issues raised by Plaintiff in this Action. It appears Plaintiff has a history
18 of depression and, perhaps, a diagnosable personality disorder. Plaintiff's current problems may
19 be due to his failure to adequately deal with his feelings after his divorce to his first wife,
20 depression, and subsequent lack of contact with his children.

21 **Twenty-Eighth Affirmative Defense--Qualified Immunity--Good Faith**

22 With respect to any employment actions toward Plaintiff, the DFI acted in good faith and
23 for legitimate reasons having nothing to do with an animus against Plaintiff due to his race or age
24 or due to any complaint he may have made.

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1 **(b) Persons With Knowledge Of These Facts**

2 The DFI is informed and believe that the following individuals may have some knowledge
3 relating to the facts set forth above:

4 Jeanette Barraza (no longer with DFI)

5 Meli Brown (with DFI)

6 Scott Cameron (with DFI)

7 Craig Carlson (with DFI)

8 Chris Eaton (with DFI)

9 Tem Fong (no longer with DFI)

10 Doug Kirkpatrick (no longer with DFI)

11 Donald Lake (Plaintiff; with DFI)

12 Kendrick Lo (no longer with DFI; believed to be living in New York)

13 Oscar Lumen (with DFI)

14 Amadieube Robert Mbama MBA (now with CAMSMBAMA & Associates LLC)

15 Julio R. Prada (with DFI)

16 Aaron Prosperi (with DFI)

17 David Ross, LCSW (Plaintiff's medical provider)

18 John Ross (with DFI)

19 Yolanda Torres (with DFI)

20 Robert Venchiarutti (with DFI)

21 Edmund Wong (with DFI)

22 In addition to those listed, other medical providers of Plaintiff, employees who worked with
23 Mr. Lake or under Mr. Prada's supervision at DFI, or decision makers and applicants for
24 promotion to FIM may also have some knowledge of some facts related to the affirmative
25 defenses.

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1 (c) **Documents Supporting Affirmative Defenses**

2 The DFI objects to this interrogatory as unduly burdensome, oppressive, and harassing.
3 There are numerous documents that are relevant to and support the DFI's position and affirmative
4 defenses. Many of these documents are attached as exhibits to Plaintiff's deposition taken in this
5 matter or have been subpoenaed from third parties (such David Ross, LCSW). All such
6 documents are equally available to Plaintiff. Without waiving the foregoing or any of the other
7 objections made with respect to this interrogatory, the DFI responds that it will produce additional
8 unprivileged documents supporting its affirmative defenses in connection with its production of
9 documents in response to plaintiff's document requests.

10 **FORM INTERROGATORY NO. 50.1:**

11 For each agreement alleged in the pleadings:

12 (a) identify all **DOCUMENTS** that are part of the agreement and for each state the name,
13 ADDRESS, and telephone number of each **PERSON** who has the **DOCUMENT**;

14 (b) state each part of the agreement not in writing, the name, **ADDRESS**, and telephone
15 number of each **PERSON** agreeing to the provision, and the date that part of the agreement was
16 made;

17 (c) identify all **DOCUMENTS** that evidence each part of the agreement not in writing
18 and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the
19 **DOCUMENT**;

20 (d) identify all **DOCUMENTS** that are part of each modification to the agreement, and
21 for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the
22 **DOCUMENT**;

23 (e) state each modification not in writing, the date, and the name, **ADDRESS**, and
24 telephone number of each **PERSON** agreeing to the modification, and the date the modification
25 was made;

26 (f) identify all **DOCUMENTS** that evidence each modification of the agreement not in
27 writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who
28 has the **DOCUMENT**.

1 **RESPONSE TO FORM INTERROGATORY NO. 50.1:**

2 Defendant DFI repeats each and every general objection and incorporates the same as
3 though fully set forth herein.

4 Defendant DFI also objects to this interrogatory on the ground that the term "agreement
5 alleged in the pleadings" is vague and ambiguous as applied to this action because this is not a
6 breach of contract case, but a case alleging discrimination, harassment, and retaliation. The
7 complaint does not appear to allege an "agreement."

8 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
9 follows:

10 As a matter of law, there can be no employment contract between a public entity and an
11 employee or a potential employee. (See *Kennemur v. County of Fresno* (1988) 200 Cal.App.3d
12 1426, 1432-1433; *Miller v. State of California* (1977) 18 Cal.3d 808, 813-814.) The DFI is
13 informed and believes that Plaintiff was a member of Bargaining Unit 1 and, therefore, would
14 have been subject to the union agreement between the State of California and SEIU covering
15 Bargaining Unit 1, Professional, Administrative, Financial, and Staff Services.

16 **FORM INTERROGATORY NO. 50.2:**

17 Was there a breach of any agreement alleged in the pleadings? If so, for each breach
18 describe and give the date of every act or omission that you claim is the breach of the agreement.

19 **RESPONSE TO FORM INTERROGATORY NO. 50.2:**

20 Defendant DFI repeats each and every general objection and incorporates the same as
21 though fully set forth herein.

22 Defendant DFI also objects to this interrogatory on the ground that the term "agreement
23 alleged in the pleadings" is vague and ambiguous as applied to this action because this is not a
24 breach of contract case, but a case alleging discrimination, harassment, and retaliation. The
25 complaint does not appear to allege an "agreement."

26 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
27 follows:

28 Not applicable.

1 **FORM INTERROGATORY NO. 50.3:**

2 Was performance of any agreement alleged in the pleadings excused? If so, identify each
3 agreement excused and state why performance was excused.

4 **RESPONSE TO FORM INTERROGATORY NO. 50.3:**

5 Defendant DFI repeats each and every general objection and incorporates the same as
6 though fully set forth herein.

7 Defendant DFI also objects to this interrogatory on the ground that the term "agreement
8 alleged in the pleadings" is vague and ambiguous as applied to this action because this is not a
9 breach of contract case, but a case alleging discrimination, harassment, and retaliation. The
10 complaint does not appear to allege an "agreement."

11 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
12 follows:

13 Not applicable.

14 **FORM INTERROGATORY NO. 50.4:**

15 Was any agreement alleged in the pleadings terminated by mutual agreement, release,
16 accord and satisfaction, or novation? If so, identify each agreement terminated, the date of
17 termination, and the basis of the termination.

18 **RESPONSE TO FORM INTERROGATORY NO. 50.4:**

19 Defendant DFI repeats each and every general objection and incorporates the same as
20 though fully set forth herein.

21 Defendant DFI also objects to this interrogatory on the ground that the term "agreement
22 alleged in the pleadings" is vague and ambiguous as applied to this action because this is not a
23 breach of contract case, but a case alleging discrimination, harassment, and retaliation. The
24 complaint does not appear to allege an "agreement."

25 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
26 follows:

27 Not applicable.

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1 **FORM INTERROGATORY NO. 50.5:**

2 Is any agreement alleged in the pleadings unenforceable. If so, identify each unenforceable
3 agreement and state why it is unenforceable.

4 **RESPONSE TO FORM INTERROGATORY NO. 50.5:**

5 Defendant DFI repeats each and every general objection and incorporates the same as
6 though fully set forth herein.

7 Defendant DFI also objects to this interrogatory on the ground that the term "agreement
8 alleged in the pleadings" is vague and ambiguous as applied to this action because this is not a
9 breach of contract case, but a case alleging discrimination, harassment, and retaliation. The
10 complaint does not appear to allege an "agreement."

11 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
12 follows:

13 Not applicable. As a matter of law, there can be no employment contract between a public
14 entity and an employee or a potential employee. (See *Kennemur v. County of Fresno* (1988) 200
15 Cal.App.3d 1426, 1432-1433; *Miller v. State of California* (1977) 18 Cal.3d 808, 813-814.)

16 **FORM INTERROGATORY NO. 50.6:**

17 Is any agreement alleged in the pleadings ambiguous? If so, identify each ambiguous
18 agreement and state why it is ambiguous.

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1 **RESPONSE TO FORM INTERROGATORY NO. 50.6:**

2 Defendant DFI repeats each and every general objection and incorporates the same as
3 though fully set forth herein.

4 Defendant DFI also objects to this interrogatory on the ground that the term "agreement
5 alleged in the pleadings" is vague and ambiguous as applied to this action because this is not a
6 breach of contract case, but a case alleging discrimination, harassment, and retaliation. The
7 complaint does not appear to allege an "agreement."


8 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
9 follows:

10 Not applicable.

11 Dated: May 7, 2010

Respectfully Submitted,

12 EDMUND G. BROWN JR.
13 Attorney General of California

14 
15 CHRIS A. KNUDSEN
16 Supervising Deputy Attorney General
17 *Attorneys for Defendants California*
Department of Financial Institutions;
Julio Prada; and Robert Venchiarutti


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VERIFICATION

I am the Human Resources Manager for the Department of Financial Institutions ("DFI") and, as such, am authorized to execute this verification on behalf of Defendant California Department of Financial Institutions. I know the contents of the foregoing DEFENDANT DFI's RESPONSES AND OBJECTIONS TO PLAINTIFF DONALD LAKE's FIRST SET OF FORM INTERROGATORIES--GENERAL. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed on April 30, 2010 at Sacramento, California.


Veronica Rodriguez

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Lake, Donald v. California Department of Financial Institutions, et al.**

Case No.: **37-2009-00102604-CU-OE-CTL**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On May 7, 2010, I served the attached:

**DEFENDANT DFI's RESPONSES AND OBJECTIONS TO PLAINTIFF
DONALD LAKE's FIRST SET OF FORM INTERROGATORIES—GENERAL**

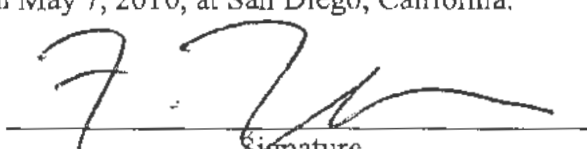
By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Daniel Kodam, Esq.
Kodam & Associates, PC
41880 Kalmia Street, Suite 130
Murrieta, CA 92562

Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 7, 2010, at San Diego, California.

F. Terrones
Declarant



Signature

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7 *Attorneys for Defendants California*
Department of Financial Institutions;
8 *Julio Prada; and Robert Venchiarutti*

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN DIEGO CENTRAL DIVISION

12
13 **DONALD LAKE,**

14 Plaintiff,

15 v.

16
17 **CALIFORNIA DEPARTMENT OF**
FINANCIAL INSTITUTIONS; JULIO
18 **PRADA, an individual; ROBERT**
19 **VENCHIARUTTI an individual; and Does**
1-32,

20 Defendants.
21

Case No. 37-2009-00102604-CU-OE-CTL

Action Filed: November 20, 2009

**DEFENDANT DFI's RESPONSES AND
OBJECTIONS TO PLAINTIFF DONALD
LAKE's FIRST SET OF FORM
INTERROGATORIES—EMPLOYMENT
LAW**

Dept: C-64
Judge: The Honorable William R.
Nevitt, Jr.

Trial Date: Not Set

22 PROPOUNDING PARTY: PLAINTIFF, DONALD LAKE

23 RESPONDING PARTY: DEFENDANT, CALIFORNIA DEPARTMENT OF FINANCIAL
24 INSTITUTIONS ("DFI")

25 SET NUMBER: ONE

26 Pursuant to California Code of Civil Procedure section 2030.010 et seq., Defendant
27 California Department of Financial Institutions ("DFI") responds and objects to plaintiff Donald
28 Lake's first set of Form Interrogatories—Employment Law as follows:

PRELIMINARY STATEMENT

Defendant DFI has not yet completed its investigation of the facts relating to this action, and has not yet completed its discovery, analysis of matters raised by this action, or preparations for trial. Consequently, these written responses are made without prejudice, and defendant DFI reserves the right to present further information or further documents responsive to these interrogatories as such information and documents are discovered. The DFI further reserves the right to modify, amend, or add to its responses and objections.

The following responses are all based upon information presently available to DFI, and except for facts explicitly stated herein, no admission of any nature whatsoever is to be implied or inferred. The fact that any interrogatory has been answered should not be taken as an admission, or a concession of the existence of any facts set forth or assumed by such interrogatory, or that such answer constitutes evidence of any fact thus set forth or assumed.

The responses which follow are based upon the DFI's understanding of the fair meaning of the interrogatories and in a good faith effort to comply with the law. Moreover, the DFI or its employees may not have direct knowledge or possession of the facts, documents, and other matters referenced in the responses below, however, the DFI has fulfilled its obligation to provide answers based upon information and documents which are presently available to the defense.

The DFI reserves the right to refer to, conduct discovery with reference to, or offer into evidence at the time of trial any and all facts, documents, and other things that are not presently known or available to DFI, but which may be learned at some time in the future notwithstanding these initial responses.

GENERAL OBJECTIONS

Defendant DFI hereby objects to each and every interrogatory on the following grounds, which grounds shall be deemed incorporated into each and every specific response to these interrogatories.

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General Objection No. 1:

Defendant DFI objects to these interrogatories to the extent they seek information which is in the possession, custody, or control of persons or entities other than DFI. DFI provides the following responses based upon information within its possession, custody, or control only.

General Objection No. 2:

Defendant DFI objects to these interrogatories to the extent they seek information which is protected from discovery by the attorney-client privilege and/or work product doctrine.

General Objection No. 3:

Defendant DFI objects to these interrogatories to the extent they seek information which is protected by the right of privacy under the United States and California Constitutions and to the extent they seek confidential information.

General Objection No. 4:

Defendant DFI objects to these interrogatories insofar as they seek information equally available to plaintiff, on the grounds that such requests cause unnecessary expense and are unduly burdensome and oppressive.

General Objection No. 5:

Defendant DFI objects to each and every one of these interrogatories to the extent they seek information and documents relating to events occurring prior to January of 2007. Plaintiff did not file his DFEH charge until November 26, 2008. This charge was based on events occurring in October 2007 and March 2008. To the extent these interrogatories seek information relating to events prior to the events at issue in Mr. Lake's charge of discrimination, they are overbroad, unduly burdensome and oppressive, harassing, and fail to seek information within the scope of discovery.

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1 **General Objection No. 6:**

2 Defendant DFI makes these responses solely in relation to this action. DFI's responses to
3 these interrogatories are made subject to all appropriate objections which would require the
4 exclusion of any statement contained herein if the interrogatory were asked of, or any statement
5 contained in the response was made by, a witness present and testifying in court. All such
6 objections and grounds are reserved and may be interposed at the time of trial.

7 **RESPONSES AND OBJECTIONS TO EMPLOYMENT FORM INTERROGATORIES**
8 **FORM INTERROGATORY NO. 200.1:**

9 Do you contend that the **EMPLOYMENT** relationship was "at-will"? If so:

- 10 (a) state all facts upon which you base this contention;
11 (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who has
12 knowledge of those facts; and
13 (c) identify all **DOCUMENTS** that support your contention.

14 **RESPONSE TO FORM INTERROGATORY NO. 200.1:**

15 No. The terms and conditions of employment of a public employee are fixed by statute and
16 not by contract. (*Hill v. City of Longbeach* (1995) 33 Cal.App.4th 1684, 1690; *Valenzuela v.*
17 *State* (1987) 194 Cal.App.3d 916, 920; see also Gov't Code § 18500 et seq.) These governing
18 statutory provisions cannot be circumvented by "purported contracts in conflict therewith."
19 (*Kemmerer v. County of Fresno* (1988) 200 Cal.App.3d 1426, 1432-1433; *Miller v. State of*
20 *California* (1977) 18 Cal.3d 808, 813-814.)

21 **FORM INTERROGATORY NO. 200.2:**

22 Do you contend that the **EMPLOYMENT** relationship was not "at will"? If so:

- 23 (a) state all facts upon which you base this contention;
24 (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who has
25 knowledge of those facts; and
26 (c) identify all **DOCUMENTS** that support your contention.

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1 **RESPONSE TO FORM INTERROGATORY NO. 200.2:**

2 Yes. The terms and conditions of employment of a public employee are fixed by statute
3 and not by contract. (*Hill v. City of Longbeach* (1995) 33 Cal.App.4th 1684, 1690; *Valenzuela v.*
4 *State* (1987) 194 Cal.App.3d 916, 920; see also Gov't Code § 18500 et seq.) These governing
5 statutory provisions cannot be circumvented by "purported contracts in conflict therewith."
6 (*Kemmerer v. County of Fresno* (1988) 200 Cal.App.3d 1426, 1432-1433; *Miller v. State of*
7 *California* (1977) 18 Cal.3d 808, 813-814.) For example, the causes for discipline of a state civil
8 service employee are found in section 19572 of the Government Code. Plaintiff is a state
9 employcc. Accordingly, the employment relationship between the DFI and Plaintiff is governed
10 by statute.

11 **FORM INTERROGATORY NO. 200.3:**

12 Do you contend that the **EMPLOYMENT** relationship was governed by any agreement—
13 written, oral, or implied? If so:

14 (a) state all facts upon which you base this contention;

15 (b) state the name, **ADDRESS**, and telephone number of each **PERSON** who has
16 knowledge of those facts; and

17 (c) identify all **DOCUMENTS** that support your contention.

18 **RESPONSE TO FORM INTERROGATORY NO. 200.3:**

19 No. The terms and conditions of employment of a public employcc are fixed by statute and
20 not by contract. (*Hill v. City of Longbeach* (1995) 33 Cal.App.4th 1684, 1690; *Valenzuela v.*
21 *State* (1987) 194 Cal.App.3d 916, 920; see also Gov't Code § 18500 et seq.) These governing
22 statutory provisions cannot be circumvented by "purported contracts in conflict therewith."
23 (*Kemmerer v. County of Fresno* (1988) 200 Cal.App.3d 1426, 1432-1433; *Miller v. State of*
24 *California* (1977) 18 Cal.3d 808, 813-814.)

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1 **FORM INTERROGATORY NO. 200.4:**

2 Was any part of the parties' **EMPLOYMENT** relationship governed in whole or in part
3 by any written rules, guidelines, policies, or procedures established by the **EMPLOYER**? If so,
4 for each **DOCUMENT** containing the written rules, guidelines, policies, or procedures:

- 5 (a) state the date and title of the **DOCUMENT** and a general description of its contents;
6 (b) state the manner in which the **DOCUMENT** was communicated to employees; and
7 (c) state the manner, if any, in which employees acknowledged either receipt of the
8 **DOCUMENT** or knowledge of its contents.

9 **RESPONSE TO FORM INTERROGATORY NO. 200.4:**

10 Defendant DFI repeats each and every general objection and incorporates the same as
11 though fully set forth herein.

12 Defendant DFI also objects to this interrogatory on the ground that the form interrogatory is
13 vague and ambiguous, overbroad, unduly burdensome and oppressive and seeks information
14 outside the proper scope of discovery when applied to the DFI. There are numerous written
15 policies or procedures established by the DFI relating to a variety of issues most of which have
16 absolutely no relevance to this case and are unlikely to lead to the discovery of admissible
17 evidence. The DFI will consider responding to specific requests for particular policies or
18 procedures that have relevance to this action.

19 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
20 follows:

21 The employment relationship between the DFI and its employees is governed by statute,
22 regulations, and various written rules, guidelines, policies, or procedures relating to a variety of
23 issues. Among other documents, numerous policies and procedures are set forth in the
24 Department of Financial Institutions Policy/Procedures Manual and the Employee Administrative
25 Manual.

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1 **FORM INTERROGATORY NO. 200.5:**

2 Was any part of the parties' **EMPLOYMENT** relationship covered by one or more
3 collective bargaining agreements or memorandums of understanding between the **EMPLOYER**
4 (or an association of employers) and any labor union or employee association? If so, for each
5 collective bargaining agreement or memorandum of understanding, state:

6 (a) the names and **ADDRESSES** of the parties to the collective bargaining agreement or
7 memorandum of understanding.

8 (b) the beginning and ending dates, if applicable, of the collective bargaining agreement
9 or memorandum of understanding; and

10 (c) which parts of the collective bargaining agreement or memorandum of understanding,
11 if any, govern (1) any dispute or claim referred to in the **PLEADINGS** and (2) the rules or
12 procedures for resolving any dispute or claim referred to in the **PLEADINGS**.

13 **RESPONSE TO FORM INTERROGATORY NO. 200.5:**

14 Defendant DFI repeats each and every general objection and incorporates the same as
15 though fully set forth herein.

16 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
17 follows:

18 The DFI is informed and believes that Plaintiff is a member of Bargaining Unit 1,
19 Professional, Administrative, Financial, and Staff Services. A copy of the Agreement between
20 the State of California and Service Employees International Union ("SEIU") – Local 1000
21 covering Bargaining Unit 1, Professional, Administrative, Financial and Staff Services effective
22 July 1, 2005 through June 30, 2008 will be produced as part of the DFI's production of
23 documents. The MOU has clauses relating to non-discrimination and sexual harassment at
24 sections 5.7 and 5.8. Article 6 of the MOU sets forth the grievance and arbitration procedure.
25 Article 8 of the MOU covers various types of leaves. Article 19 covers Hours of Work and
26 Overtime.

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1 **FORM INTERROGATORY NO. 200.6:**

2 Do you contend that the EMPLOYEE and the EMPLOYER were in a business relationship
3 other than an EMPLOYMENT relationship? If so, for each relationship:

4 (a) state the name of the parties to the relationship;

5 (b) identify the relationship; and

6 (c) state all facts upon which you base your contention that the parties were in a
7 relationship other than an EMPLOYMENT relationship.

8 **RESPONSE TO FORM INTERROGATORY NO. 200.6:**

9 No.

10 **FORM INTERROGATORY NO. 201.1:**

11 Was the EMPLOYEE involved in a TERMINATION? If so:

12 (a) state all reasons for the EMPLOYEE'S TERMINATION;

13 (b) state the name, ADDRESS, and telephone number of each PERSON who
14 participated in the TERMINATION decision;

15 (c) state the name, ADDRESS, and telephone number of each PERSON who provided
16 any information relied upon in the TERMINATION decision; and

17 (d) identify all DOCUMENTS relied upon in the TERMINATION decision.

18 **RESPONSE TO FORM INTERROGATORY NO. 201.1:**

19 Defendant DFI repeats each and every general objection and incorporates the same as
20 though fully set forth herein. Defendant DFI further objects that this interrogatory seeks
21 information which is outside the scope of discovery and is not reasonably calculated to discovery
22 information relevant to any fact in this action. Plaintiff does not allege or contend that he was
23 terminated by DFI.

24 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
25 follows:

26 No. Plaintiff has never been terminated.

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1 **FORM INTERROGATORY NO. 201.2:**

2 Are there any facts that would support the **EMPLOYEE'S TERMINATION** that were
3 first discovered after the **TERMINATION**? If so:

4 (a) state the specific facts;

5 (b) state when and how **EMPLOYER** first learned of each specific fact;

6 (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who has
7 knowledge of the specific facts; and

8 (d) identify all **DOCUMENTS** that evidence these specific facts.

9 **RESPONSE TO FORM INTERROGATORY NO. 201.2:**

10 Defendant DFI repeats each and every general objection and incorporates the same as
11 though fully set forth herein. Defendant DFI further objects that this interrogatory seeks
12 information which is outside the scope of discovery and is not reasonably calculated to discovery
13 information relevant to any fact in this action. Plaintiff does not allege or contend that he was
14 terminated by DFI.

15 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
16 follows:

17 Not Applicable. Plaintiff was never terminated, therefore additional information supporting
18 the "termination" could not be learned after the non-existent termination.

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1 **FORM INTERROGATORY NO. 201.3:**

2 Were there any other **ADVERSE EMPLOYMENT ACTIONS**, including: [LEFT
3 BLANK]

4 If so, for each action, provide the following:

- 5 (a) all the reasons for each **ADVERSE EMPLOYMENT ACTION**;
- 6 (b) the name, **ADDRESS**, and telephone number of each **PERSON** who participated in
7 making each **ADVERSE EMPLOYMENT ACTION** decision;
- 8 (c) the name, **ADDRESS**, and telephone number of each **PERSON** who provided any
9 information relied upon in making each **ADVERSE EMPLOYMENT ACTION** decision; and
- 10 (d) the identify of all **DOCUMENTS** relied upon in making each **ADVERSE**
11 **EMPLOYMENT ACTION** decision.

12 **RESPONSE TO FORM INTERROGATORY NO. 201.3:**

13 Defendant DFI repeats each and every general objection and incorporates the same as
14 though fully set forth herein. Defendant DFI restates its objections to this interrogatory to the
15 extent it seeks information protected by the attorney-client or work product privileges.

16 The DFI also objects on the ground that the term "ADVERSE EMPLOYMENT
17 ACTION" is vague and ambiguous because the form interrogatory sets forth contradictory
18 definitions (including, but not limited to sections 4(f), 201.3, 201.4, and 201.7) and includes in
19 the definition of this legal term plaintiff's subjective interpretation as "alleged in the
20 PLEADINGS. Finally, the form interrogatory is so vague and ambiguous as to be impossible to
21 respond to because Plaintiff has failed to identify what he believes the adverse actions to be. At
22 his deposition, Plaintiff admitted that he has never suspended, demoted, or received a disciplinary
23 reduction in pay. The DFI will consider responding to an amended interrogatory which specifies
24 the adverse employment actions Plaintiff is seeking information about.

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1 **FORM INTERROGATORY NO. 201.4:**

2 Was the **TERMINATION** or any other **ADVERSE EMPLOYMENT ACTIONS** referred
3 to in Interrogatories 201.1 through 201.3 based in whole or in part on the **EMPLOYEE'S** job
4 performance? If so, for each action:

5 (a) identify the **ADVERSE EMPLOYMENT ACTION**;

6 (b) identify the **EMPLOYEE'S** specific job performance that played a role in that
7 **ADVERSE EMPLOYMENT ACTION**;

8 (c) identify any rules, guidelines, policies, or procedures that were used to evaluate the
9 **EMPLOYEE'S** specific job performance;

10 (d) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who had
11 responsibility for evaluating the specific job performance of the **EMPLOYEE**;

12 (e) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who had
13 responsibility for evaluating the specific job performance of the **EMPLOYEE**;

14 (f) describe all warnings given with respect to the **EMPLOYEE'S** specific job
15 performance.

16 **RESPONSE TO FORM INTERROGATORY NO. 201.4:**

17 Defendant DFI repeats each and every general objection and incorporates the same as
18 though fully set forth herein. Defendant DFI restates its objections to this interrogatory to the
19 extent it seeks information protected by the attorney-client or work product privileges.

20 The DFI also objects on the ground that the term "ADVERSE EMPLOYMENT ACTION"
21 is vague and ambiguous because the form interrogatory sets forth contradictory definitions
22 (including, but not limited to sections 4(f), 201.3, 201.4, and 201.7) and includes in the definition
23 of this legal term plaintiff's subjective interpretation as "alleged in the PLEADINGS.

24 Finally, the form interrogatory is so vague and ambiguous as to be impossible to respond to
25 because Plaintiff has failed to identify what he believes the adverse actions to be. Plaintiff was
26 not terminated and did not identify the alleged other adverse employment actions in Form
27 Interrogatory No. 201.3. At his deposition, Plaintiff admitted that he has never suspended,
28 demoted, or received a disciplinary reduction in pay. The DFI will consider responding to an

1 amended interrogatory which specifies the adverse employment actions Plaintiff is seeking
2 information about.

3 **FORM INTERROGATORY NO. 201.7:**

4 If the ADVERSE EMPLOYMENT ACTION involved the failure or refusal to select the
5 EMPLOYEE (for example, for hire, promotion, transfer, or training), was any other PERSON
6 selected instead? If so, for each ADVERSE EMPLOYMENT ACTION, state the name,
7 ADDRESS, and telephone number of each PERSON selected; the date the PERSON was
8 selected; and the reason the PERSON was selected instead of the EMPLOYEE.

9 **RESPONSE TO FORM INTERROGATORY NO. 201.7:**

10 Defendant DFI repeats each and every general objection and incorporates the same as
11 though fully set forth herein. Defendant DFI restates its objections to this interrogatory to the
12 extent it seeks information protected by the attorney-client or work product privileges.

13 The DFI also objects on the ground that the term "ADVERSE EMPLOYMENT ACTION"
14 is vague and ambiguous because the form interrogatory sets forth contradictory definitions
15 (including, but not limited to sections 4(f), 201.3, 201.4, and 201.7) and includes in the definition
16 of this legal term plaintiff's subjective interpretation as "alleged in the PLEADINGS."

17 Finally, the form interrogatory is so vague and ambiguous as to be impossible to respond to
18 because Plaintiff has failed to identify what he believes the adverse actions to be. Plaintiff did not
19 identify the alleged other adverse employment actions in Form Interrogatory No. 201.3. The DFI
20 will consider responding to an amended interrogatory which specifies the adverse employment
21 actions Plaintiff is seeking information about.

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1 **FORM INTERROGATORY NO. 207.1:**

2 Were there any internal written policies or regulations of the **EMPLOYER** that apply to
3 the making of a complaint of the type that is the subject matter of this lawsuit. If so:

4 (a) state the title and date of each **DOCUMENT** containing the policies or regulations
5 and a general description of the **DOCUMENT'S** contents;

6 (b) state the manner in which the **DOCUMENT** was communicated to **EMPLOYEES**;

7 (c) state the manner, if any, in which **EMPLOYEES** acknowledged receipt of the
8 **DOCUMENT** or knowledge of its contents, or both;

9 (d) state, if you contend that the **EMPLOYEE** failed to use any available internal
10 complaint procedures, all facts that support that contention; and

11 (e) state, if you contend that the **EMPLOYEE'S** failure to use internal complaint
12 procedures was excused, all facts why the **EMPLOYEE'S** use of the procedures was excused.

13 **RESPONSE TO FORM INTERROGATORY NO. 207.1:**

14 Defendant DFI repeats each and every general objection and incorporates the same as
15 though fully set forth herein.

16 The DFI further objects to this interrogatory on the ground it is overbroad, vague, and
17 ambiguous in that Plaintiff's complaint contains numerous allegations such that it is impossible to
18 ascertain specifically what "type" of complaint is "the subject matter of this lawsuit."

19 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
20 follows:

21 Interpreting the interrogatory to seek information regarding written policies or procedures
22 relating to complaints of racial or age discrimination, racial or ageist harassment, and retaliation,
23 the DFI responds that there are internal written policies and procedures regarding making
24 discrimination and harassment complaints.

25 (a) There are multiple documents, including:

26 The Department of Financial Institutions Equal Employment Opportunity Policy and
27 Discrimination Complaint Procedures, Policy Number 1360 and related attachments.

28 Furthermore, Section L of the DFI's Employee Administrative Manual sets forth policies relating

1 to EEO, discrimination, and sexual harassment. The Department also has a written "Sexual
2 Harassment Policy and Complaint Procedure," Policy Number 1325. The DFI also has a
3 computer Preventing Sexual Harassment training program. The MOU applicable to Plaintiff
4 contains non-discrimination and anti-sexual harassment provisions.

5 (b) Employees receive periodic training on issues of harassment, discrimination, and
6 retaliation, including the complaint process. Employees can access the EEO policies through the
7 Department's Intranet. New employees receive orientation on our Intranet which includes
8 materials on sexual harassment training and provides references to the policies. Department
9 offices include posters containing the federal EEOC and State of California, Department of Fair
10 Employment and Housing postings against discrimination, harassment, and retaliation. The
11 Department's Human Resources Functional Directory available to all employees through the
12 Intranet identifies the EEO officer.

13 (c) All the policies are available through the Intranet. Some of the information is
14 distributed to employees, others information is taught to employees during training, the sexual
15 harassment materials are provided to the employees and each employee signs an acknowledgment
16 that he or she has taken the sexual harassment training and received the information.

17 (d) DFI is informed and believed that Plaintiff failed to use its internal complaint
18 procedures in part. Much of the minor issues Plaintiff appears to be basing his lawsuit on could
19 have been handled through the grievance process yet it does not appear that Plaintiff filed a
20 grievance. Plaintiff withdrew his May 6, 2005 memorandum to Mr. Venchiarutti shortly after
21 submitting it. Plaintiff's statements that he felt the issues were resolved caused Mr. Venchiarutti
22 to understandably believe the issues had in fact been resolved.

23 (e) Plaintiff's partial failure to use the DFI's internal complaint procedures was not
24 excused. Plaintiff has the ability to file a grievance or bring an EEO complaint with respect to
25 issues he believes are inappropriate or constitute discrimination, harassment, or retaliation. To
26 the extent he failed to do so, his failure is not excused.

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1 **FORM INTERROGATORY NO. 207.2:**

2 Did the **EMPLOYEE** complain to the **EMPLOYER** about any of the unlawful conduct
3 alleged in the **PLEADINGS**? If so, for each complaint:

4 (a) state the date of the complaint;

5 (b) state the nature of the complaint;

6 (c) state the name and **ADDRESS** of each **PERSON** to whom the complaint was made;

7 (d) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who
8 investigated the complaint;

9 (e) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who
10 participated in making decisions about how to conduct the investigation;

11 (f) state the name, **ADDRESS**, telephone number, and job title of each **PERSON** who
12 was interviewed or who provided an oral or written statement as part of the investigation of the
13 complaint;

14 (g) state the nature and date of any action taken in response to the complaint;

15 (h) state whether the **EMPLOYEE** who made the complaint was made aware of the
16 actions taken by the **EMPLOYER** in response to the complaint, and, if so, state how and when;

17 (i) identify all **DOCUMENTS** relating to the complaint, the investigation, and any
18 action taken in response to the complaint; and

19 (j) state the name, **ADDRESS**, and telephone number of each **PERSON** who has
20 knowledge of the **EMPLOYEE'S** complaint or the **EMPLOYER'S** response to the complaint.

21 **RESPONSE TO FORM INTERROGATORY NO. 207.2:**

22 Defendant DFI repeats each and every general objection and incorporates the same as
23 though fully set forth herein.

24 In addition, the DFI objects to this interrogatory on the ground it is overbroad, vague, and
25 ambiguous in that Plaintiff's Complaint contains numerous allegations such that it is impossible
26 to ascertain specifically what "type" of complaint relates to "unlawful conduct." The DFI objects
27 to this request because the phrase "unlawful conduct" is a legal conclusion, but here refers to
28 plaintiff's allegations of wrongdoing on the part of the DFI which it denies. The DFI also objects

1 to this interrogatory as overbroad, burdensome, irrelevant and not reasonably likely to lead to the
2 discovery of admissible evidence, and equally available to the requesting party.

3 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
4 follows:

5 The litigation is in its preliminary stages. The DFI is currently gathering information which
6 will allow it to answer this interrogatory more completely. If requested to do so, DFI will provide
7 a further response when this information is compiled and/or obtained through discovery. Based
8 on the information currently available to it, DFI responds as follows on information and belief:

9 On or about May 6, 2005, Mr. Venchiarutti received a memorandum from Donald Lake,
10 Patrick Lum, and Rosalyn Tomaszewski which alleged complaints of micromanagement,
11 "excessive" e-mails, voicemails, and phone calls concerning examinations and expressed
12 dissatisfaction of completed examination and which made other work related complaints. The
13 only statement relating to discrimination was as follows: "Each of the above Senior Examiners is
14 very concerned that some form of discrimination may be taking place at SPL (i.e. age, race and/or
15 gender) either intentionally or unintentionally by Mr. Prada towards each of the complainants,
16 and possibly at least one terminated former employee." The memorandum asked for an informal
17 meeting to take place to address the matter. Mr. Venchiarutti subsequently spoke to Mr. Lake
18 about the memorandum. On May 18, 2005, Mr. Lake sent an e-mail to Robert Venchiarutti and
19 Julio Prada which stated, in part:

20 1. I am withdrawing my participation in the e-mail letter [sic] dated May 6,
21 2005 addressed to the attention of Robert Venchiarutti. . . . 4. I am offering an
22 apology to Julio Prada, with the understanding that the only intent of the letter was/is
to improve the workplace at SPL.

23 On May 25, 2005, Mr. Lake sent an e-mail to Robert Venchiarutti which stated, in part:
24 "Ros called me last night and we have agreed that this matter is considered closed at this time."

25 On or about November 26, 2007, Mr. Lake submitted a memorandum to Shereta Alexander
26 of the EEO Office and Anne Jordan of Human Resources complaining that he believed Mr. Prada
27 had violated DFI's workplace violence policies. Anne Jordan of Human Resources interviewed
28 witnesses in July and August of 2008 including Anne Jordan of Human Resources interviewed

1 witnesses in July and August of 2008 including Jeannette Barraza, Meli Brown, Scott Cameron,
2 Mariano Cansico, Craig Carlson, Vivien Chen, Arlene De La Cruz, Paul Fong, Dhaval Gandhi,
3 Sandy Ho, Donald Lake, Kendrick Lo, Patrick Lum, Oscar Lumen, Mary Ann Magee, Albert
4 Marquez, Julio Prada, Cari Rodriguez, Omar Shahin, Roslyn Tomaszewski, Nida Torion,
5 Yolanda Torres, Robert Venchiarutti, Edmund Wong, Jenny Wong, and Rina Z.

6 On or about October 11, 2007, Mr. Lake submitted a written race and age discrimination
7 complaint to the DFI complaining about Julio Prada. In November 2007, EEO Officer Shereta
8 Alexander informed Mr. Lake that his complaint would be formally investigated. The
9 investigation was conducted by the Discrimination Complaint Investigation Unit ("DCIU") of the
10 Department of Transportation, Civil Rights, Office of Equal Opportunity. Robert L. McCree a
11 Senior Supervisor Investigator with the DCIU interviewed witnesses in April 2008.
12 Investigator McCree interviewed witnesses including Jeannette Barraza, Carol Chesbrough,
13 Patrick Lum, Oscar Lumen, Julio Prada, John Rockwell, Roslyn Tomaszewski, Yolanda Torres,
14 and Robert Venchiarutti. The DCIU's investigation was unable to substantiate that Mr. Lake was
15 subjected to differential treatment due to his race or age or in retaliation for engaging in a
16 protected activity. On or about June 12, 2008, Ms. Alexander sent Mr. Lake a letter informing
17 him that the DFI EEO's Office had independently reviewed the DCIU's investigation and
18 concluded there was insufficient evidence to prove a violation of the DFI's EEO policy.

19 **FORM INTERROGATORY NO. 208.1:**

20 Did the **EMPLOYEE** file a claim, complaint, or charge with any governmental agency that
21 involved any of the material allegations made in the **PLEADINGS**? If so, for each claim,
22 complaint, or charge:

- 23 (a) state the date on which it was filed;
- 24 (b) state the name and **ADDRESS** of the agency with which it was filed;
- 25 (c) state the number assigned to the claim; complaint or charge by the agency;
- 26 (d) state the nature of each claim, complaint, or charge made;
- 27 (e) state the date on which the **EMPLOYER** was notified of the claim, complaint or
28 charge;

1 (f) state the name, **ADDRESS**, and telephone number of all **PERSONS** within the
2 governmental agency with whom the **EMPLOYER** has had any contact or communication
3 regarding the claim, complaint, or charge;

4 (g) state whether a right to sue notice was issued and, if so, when; and

5 (h) state whether any findings or conclusions regarding the complaint or charge have
6 been made, and, if so, the date and description of the agency's findings or conclusions.

7 **RESPONSE TO FORM INTERROGATORY NO. 208.1:**

8 Defendant DFI repeats each and every general objection and incorporates the same as
9 though fully set forth herein. In addition, the DFI objects to this interrogatory on the ground it is
10 overbroad, vague, and ambiguous so as to make a response impossible without speculating as to
11 what are "material allegations." The DFI also objects to this interrogatory on the grounds that it
12 seeks information equally or more available to Plaintiff who filed the claims.

13 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
14 follows on information and belief:

15 Plaintiff appears to have filed tow claim with the California Department of Fair
16 Employment and Housing and EEOC on or about November 26, 2008 and December 22, 2009.

17 (a) Plaintiff filed a Complaint of Discrimination Under the Provisions of the California
18 Fair Employment and Housing Act on or about November 26, 2008. Plaintiff filed a Charge of
19 Discrimination which was presented to the EEOC on December 22, 2009.

20 (b) The Complaints were filed with the DFEH and EEOC.

21 (c) The November 26, 2008 Complaint was given the DFEH number E-200809-D-0228-
22 00-are and the EEOC number 37AA913061. The December 22, 2009 Charge received an EEOC
23 Charge No. 488-2010-00262.

24 (d) The nature of the claims are set forth in the DFEH Complaint and EEOC Charge filed
25 by Plaintiff.

26 (e) With respect to the November 26, 2008 Complaint, on or around December 3, 2008.
27 With respect to the December 22, 2009 Charge, on or about late December 2009 or early January
28 2010.

1 (f) Deborah L. Reid, Consultant, Department of Fair Employment and Housing, 111 N.
2 Market Street, Suite 810, San Jose, CA 95113.

3 (g) A Notice of Case Closure and right to sue notice was issued on or about June 26,
4 2009 with respect to the November 26, 2008. A Notice to Complainant and Respondent was sent
5 on December 22, 2009 by the DFEH with respect to the December 22, 2009 Charge.

6 (h) The DFEH made no findings. Plaintiff elected to pursue his remedies in Court.

7 **FORM INTERROGATORY NO. 209.2:**

8 Except for this action, in the past 10 years has any employee filed a civil action against the
9 **EMPLOYER** regarding his or her employment? If so, for each civil action:

10 (a) state the name, **ADDRESS**, and telephone number of each employee who filed the
11 action;

12 (b) state the court, names of the parties, and case number of the civil action;

13 (c) state the name, **ADDRESS**, and telephone number of any attorney representing the
14 **EMPLOYER**; and

15 (d) state whether the action has been resolved or is pending.

16 **RESPONSE TO FORM INTERROGATORY NO. 209.2:**

17 Defendant DFI repeats each and every general objection and incorporates the same as
18 though fully set forth herein.

19 The DFI further objects to this interrogatory on the grounds that this request is overbroad,
20 unduly burdensome and oppressive. The DFI employs over 250 individuals in various
21 classifications organized into several divisions, including Banking, Credit Unions, and Money
22 Transmitters. DFI operates offices in different cities, including Los Angeles, San Francisco, San
23 Diego, and Sacramento. The Department does not keep a central file or database on lawsuits. To
24 determine all employee civil actions against the DFI in the last ten years would involve an
25 inordinate amount of effort.

26 Additionally, the interrogatory seeks confidential and private information of third parties
27 who are not involved in this lawsuit.

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1 The DFI also objects that the interrogatory seeks information which is wholly irrelevant to
2 the instant action and which is not reasonably likely to lead to the discovery of admissible
3 evidence. Discrimination, retaliation, and harassment lawsuits occurring at different times,
4 involving different supervisors, and different divisions or offices would have no tendency to
5 prove or disproved any material fact in this case. In particular, alleged harassment which did not
6 occur in plaintiff's work environment, and which plaintiff did not observe or know about is
7 irrelevant to his harassment claims. (See *Fisher v. San Pedro Peninsula Hosp.* (1989) 214
8 Cal.App.3d 590, 611; see also *Lyle v. Warner Bros. Television Productions* (2006) 38 Cal.4th
9 264, 285 [plaintiff must show that harassment directed at others was in her immediate work
10 environment and that she personally witnessed it].)

11 **FORM INTERROGATORY 211.1:**

12 Identify each type of **BENEFIT** to which the **EMPLOYEE** would have been entitled, from
13 the date of the **ADVERSE EMPLOYMENT ACTION** to the present, if the **ADVERSE**
14 **EMPLOYMENT ACTION** had not happened and the **EMPLOYEE** had remained in the same
15 job position. For each type of benefit, state the amount the **EMPLOYER** would have paid to
16 provide the benefit for the **EMPLOYEE** during this time period and the value of the **BENEFIT**
17 to the **EMPLOYEE**.

18 **RESPONSE TO FORM INTERROGATORY 211.1:**

19 Defendant DFI repeats each and every general objection and incorporates the same as
20 though fully set forth herein.

21 In addition, the DFI also objects on the ground that the term "ADVERSE EMPLOYMENT
22 ACTION" is vague and ambiguous because the form interrogatory sets forth contradictory
23 definitions (including, but not limited to sections 4(f), 201.3, 201.4, and 201.7) and includes in
24 the definition of this legal term plaintiff's subjective interpretation as "alleged in the
25 PLEADINGS." Defendant DFI further objects on the ground that the interrogatory seeks
26 information which is wholly irrelevant to the instant action and which is not reasonably likely to
27 lead to the discovery of admissible evidence.

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1 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
2 follows on information and belief:

3 Plaintiff was never subjected to an adverse employment action. DFI is informed and
4 believes that Plaintiff remains in his job as a Senior Financial Institutions Examiner with the same
5 benefits. The terms and conditions of his employment have not been materially affected.

6 **FORM INTERROGATORY 211.2:**

7 Do you contend that the **EMPLOYEE** has not made reasonable efforts to minimize the
8 amount of the **EMPLOYEE'S** lost income? If so:

9 (a) describe what more **EMPLOYEE** should have done;

10 (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have
11 knowledge of the facts that support your contention; and

12 (c) identify all **DOCUMENTS** that support your contention and state the name,
13 **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

14 **RESPONSE TO FORM INTERROGATORY 211.2:**

15 Defendant DFI repeats each and every general objection and incorporates the same as
16 though fully set forth herein.

17 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
18 follows:

19 DFI contends that Plaintiff has no lost income. Plaintiff remains employed as a Senior
20 Financial Institutions Examiner with the DFI. Plaintiff has applied for some Financial Institutions
21 Manager positions which he has not received, but there have been other unsuccessful candidates.
22 DFI is informed and believes that the decision makers with respect to each of the promotional
23 opportunities Plaintiff has applied for are persons whom Plaintiff does not contend have any
24 discriminatory or retaliatory animus towards him. Plaintiff did not receive those positions
25 because the successful candidates interviewed better and were, in the estimation, of the persons
26 making the decisions a better fit for the position they were selected for.

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1 **FORM INTERROGATORY 211.3:**

2 Do you contend that any of the lost income claimed by the **EMPLOYEE**, as disclosed in
3 discovery thus far in this case, is unreasonable or was not caused by the **ADVERSE**
4 **EMPLOYMENT ACTION**? If so:

- 5 (a) state the amount of claimed lost income that you dispute;
6 (b) state all facts upon which you base your contention;
7 (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who
8 have knowledge of the facts; and
9 (d) identify all **DOCUMENTS** that support your contention and state the name,
10 **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

11 **RESPONSE TO FORM INTERROGATORY 211.3:**

12 Defendant DFI repeats each and every general objection and incorporates the same as
13 though fully set forth herein.

14 In addition, the DFI also objects on the ground that the term "ADVERSE EMPLOYMENT
15 ACTION" is vague and ambiguous because the form interrogatory sets forth contradictory
16 definitions (including, but not limited to sections 4(f), 201.3, 201.4, and 201.7) and includes in
17 the definition of this legal term plaintiff's subjective interpretation as "alleged in the
18 PLEADINGS

19 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
20 follows:

21 The litigation is in its preliminary stages. The DFI is currently gathering information which
22 will allow it to answer this interrogatory more completely. If requested to do so, DFI will provide
23 a further response when this information is compiled and/or obtained through discovery. Based
24 on the information currently available to it, DFI responds as follows on information and belief:

25 Plaintiff did not lose any income as the result of any "adverse employment action" of the
26 DFI. He has never received an adverse employment action from DFI. Plaintiff has applied for
27 some Financial Institutions Manager promotional opportunities which he has not received, but
28 there have been other unsuccessful candidates. DFI is informed and believes that the decision

1 makers with respect to each of the promotional opportunities Plaintiff has applied for are persons
2 whom Plaintiff does not contend have any discriminatory or retaliatory animus towards him.
3 Plaintiff did not receive those positions because the successful candidates interviewed better and
4 were, in the estimation, of the persons making the decisions a better fit for the position they were
5 selected for. Deputy Commissioner Scott Cameron was the decision maker with respect to the
6 promotions of Aaron Prosperi and Chris Eaton. DFI is informed and believes that Plaintiff did
7 not apply for a FIM position in Money Transmitters.

8 **FORM INTERROGATORY 214.1:**

9 At the time of the **ADVERSE EMPLOYMENT ACTION**, was there in effect any policy
10 of insurance through which you were or might be insured in any manner for the damages, claims,
11 or actions that have arisen out of the **ADVERSE EMPLOYMENT ACTION**? If so, for each
12 policy state:

- 13 (a) the kind of coverage;
- 14 (b) the name and **ADDRESS** of the insurance company;
- 15 (c) the name, **ADDRESS**, and telephone number of each named insured;
- 16 (d) the policy number;
- 17 (e) the limits of coverage for each type of coverage contained in the policy;
- 18 (f) whether any reservation of rights or controversy of coverage dispute exists between
19 you and the insurance company; and
- 20 (g) the name, **ADDRESS**, and telephone number of the custodian of the policy.

21 **RESPONSE TO FORM INTERROGATORY NO. 214.1:**

22 Defendant DFI repeats each and every general objection and incorporates the same as
23 though fully set forth herein.

24 In addition, the DFI also objects on the ground that the term "ADVERSE EMPLOYMENT
25 ACTION" is vague and ambiguous because the form interrogatory sets forth contradictory
26 definitions (including, but not limited to sections 4(f), 201.3, 201.4, and 201.7) and includes in
27 the definition of this legal term plaintiff's subjective interpretation as "alleged in the
28 PLEADINGS."

1 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
2 follows:

3 No. The DFI is an agency of the State of California. Accordingly, a judgment against the
4 DFI would be treated like any other judgment against a state agency.

5 **FORM INTERROGATORY 214.2:**

6 Are you self-insured under any statute for the damages, claims, or actions that have arisen
7 out of the **ADVERSE EMPLOYMENT ACTION**? If so, specify the statute.

8 **RESPONSE TO FORM INTERROGATORY NO. 214.2:**

9 — Defendant DFI repeats each and every general objection and incorporates the same as
10 though fully set forth herein.

11 In addition, the DFI also objects on the ground that the term “ADVERSE EMPLOYMENT
12 ACTION” is vague and ambiguous because the form interrogatory sets forth contradictory
13 definitions (including, but not limited to sections 4(f), 201.3, 201.4, and 201.7) and includes in
14 the definition of this legal term plaintiff’s subjective interpretation as “alleged in the
15 PLEADINGS.”

16 Subject to the foregoing objections and without waiver thereof, defendant DFI responds as
17 follows:

18 No. The DFI is an agency of the State of California. Accordingly, a judgment against the
19 DFI would be treated like any other judgment against a state agency.

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1 **FORM INTERROGATORY NO. 215.1:**

2 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual
3 concerning the **ADVERSE EMPLOYMENT ACTION**? If so, for each individual state:

- 4 (a) the name, **ADDRESS**, and telephone number of the individual interviewed;
5 (b) the date of the interview;
6 (c) the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the
7 interview.

8 **RESPONSE TO FORM INTERROGATORY NO. 215.1:**

9 Defendant DFI repeats each and every general objection and incorporates the same as
10 though fully set forth herein.

11 In addition, Defendant DFI objects to this Form Interrogatory on the grounds that it seeks
12 privileged attorney-client and work product information. (See *Nacht & Lewis Architects, Inc. v.*
13 *Superior Court* (1996) 47 Cal.App.4th 214, 217.) In particular, the DFI will produce no
14 information relating to witness interviews by its attorneys, including the Attorney General's
15 Office.

16 Defendant DFI also objects to this interrogatory on the ground that it seeks confidential and
17 private information. Further, the DFI objects on the ground that the term "ADVERSE
18 EMPLOYMENT ACTION" is vague and ambiguous because the form interrogatory sets forth
19 contradictory definitions (including, but not limited to sections 4(f), 201.3, 201.4, and 201.7) and
20 includes in the definition of this legal term plaintiff's subjective interpretation as "alleged in the
21 PLEADINGS."

22 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
23 follows:

24 The litigation is in its preliminary stages. The DFI is currently gathering information which
25 will allow it to answer this interrogatory more completely. If requested to do so, DFI will provide
26 a further response when this information is compiled and/or obtained through discovery. Based
27 on the information currently available to it, DFI responds as follows on information and belief:

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1 In response to Plaintiff's workplace violence complaint, Anne Jordan of Human Resources
2 interviewed witnesses in July and August of 2008 including Jeannette Barraza, Meli Brown, Scott
3 Cameron, Mariano Cansico, Craig Carlson, Vivien Chen, Arlene De La Cruz, Paul Fong, Dhaval
4 Gandhi, Sandy Ho, Donald Lake, Kendrick Lo, Patrick Lum, Oscar Lumen, Mary Ann Magee,
5 Albert Marquez, Julio Prada, Cari Rodriguez, Omar Shahin, Roslyn Tomaszewski, Nida Torion,
6 Yolanda Torres, Robert Venchiarutti, Edmund Wong, Jenny Wong, and Rina Z.. These
7 interviews were tape recorded.

8 In response to Plaintiff's race and age discrimination complaint, Investigator Robert L.
9 McCree interviewed witnesses including Jeannette Barraza, Carol Chesbrough, Patrick Lum,
10 Oscar Lumen, Julio Prada, John Rockwell, Roslyn Tomaszewski, Yolanda Torres, and Robert
11 Venchiarutti. These interviews were tape recorded.

12 **FORM INTERROGATORY NO. 215.2:**

13 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or recorded
14 statement from any individual concerning the **ADVERSE EMPLOYMENT ACTION**? If so,
15 for each statement state:

16 (a) the name, **ADDRESS**, and telephone number of the individual from whom the
17 statement was obtained;

18 (b) the name, **ADDRESS**, and telephone number of the individual who obtained the
19 statement;

20 (c) the date the statement was obtained;

21 (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original
22 statement or a copy.

23 **RESPONSE TO FORM INTERROGATORY NO. 215.2:**

24 Defendant DFI repeats each and every general objection and incorporates the same as
25 though fully set forth herein.

26 In addition, Defendant DFI objects to this Form Interrogatory on the grounds that it seeks
27 privileged attorney-client and work product information. (See *Nacht & Lewis Architects, Inc. v.*
28 *Superior Court* (1996) 47 Cal.App.4th 214, 217.) In particular, the DFI will produce no

1 information relating to witness interviews by its attorneys, including the Attorney General's
2 Office.

3 Defendant DFI also objects to this interrogatory on the ground that it seeks confidential and
4 private information and may extend to private peace officer information. Further, the DFI objects
5 on the ground that the term "ADVERSE EMPLOYMENT ACTION" is vague and ambiguous
6 because the form interrogatory sets forth contradictory definitions (including, but not
7 limited to sections 4(f), 201.3, 201.4, and 201.7) and includes in the definition of this legal term
8 plaintiff's subjective interpretation as "alleged in the PLEADINGS."

9 Subject to the foregoing objections, and without waiver thereof, defendant DFI responds as
10 follows:

11 The litigation is in its preliminary stages. The DFI is currently gathering information which
12 will allow it to answer this interrogatory more completely. If requested to do so, DFI will provide
13 a further response when this information is compiled and/or obtained through discovery. Based
14 on the information currently available to it, DFI responds as follows on information and belief:
15 In response to Plaintiff's workplace violence complaint, Anne Jordan of Human Resources
16 interviewed witnesses in July and August of 2008 including Jeannette Barraza, Meli Brown, Scott
17 Cameron, Mariano Cansico, Craig Carlson, Vivien Chen, Arlene De La Cruz, Paul Fong, Dhaval
18 Gandhi, Sandy Ho, Donald Lake, Kendrick Lo, Patrick Lum, Oscar Lumen, Mary Ann Magee,
19 Albert Marquez, Julio Prada, Cari Rodriguez, Omar Shahin, Roslyn Tomaszewski, Nida Torion,
20 Yolanda Torres, Robert Venchiarutti, Edmund Wong, Jenny Wong, and Rina Z. These
21 interviews were tape recorded. The DFI is in the process of getting the tape recordings
22 transcribed and will produce the transcriptions as part of its production of documents.

23 In response to Plaintiff's race and age discrimination complaint, Investigator Robert L.
24 McCree interviewed witnesses including Jeannette Barraza, Carol Chesbrough, Patrick Lum,
25 Oscar Lumen, Julio Prada, John Rockwell, Roslyn Tomaszewski, Yolanda Torres, and Robert
26 Venchiarutti. These interviews were tape recorded. The DFI is in the process of getting the tape
27 recordings transcribed and will produce the transcriptions as part of its production of documents.

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1 **FORM INTERROGATORY NO. 216.1:**

2 Identify each denial of a material allegation and each special or affirmative defense in your
3 **PLEADINGS** and for each:

4 (a) state all facts upon which you base the denial or special or affirmative defense;

5 (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have
6 knowledge of those facts; and

7 (c) identify all **DOCUMENTS** and all other tangible things, that support your denial or
8 special or affirmative defense, and state the name, **ADDRESS**, and telephone number of the
9 **PERSON** who has each **DOCUMENT**.

10 **RESPONSE TO FORM INTERROGATORY NO. 216.1:**

11 Defendant DFI repeats each and every general objection and incorporates the same as
12 though fully set forth herein.

13 The DFI further objects to this interrogatory on the ground that it is overbroad, and vague,
14 and ambiguous regarding the DFI's denial of "material allegations" in that the DFI's answer to
15 the complaint was a general denial pursuant to section 431.30 of the Code of Civil Procedure.
16 The DFI is not willing to guess at what Plaintiff considers material, especially in light of his
17 deposition testimony which is, in places, at variance with the allegations of his complaint. The
18 DFI is, however, willing to consider responding to more focused interrogatories relating to
19 matters which are truly in dispute.

20 With respect to the request for information on affirmative defenses, the DFI restates its
21 objection to this interrogatory to the extent it seeks to discover information protected by the
22 attorney client and attorney work product privileges. The DFI further objects to this interrogatory
23 to the extent it seeks to discover the legal reasoning underlying defendants' affirmative defenses.

24 Subject to the foregoing objections and without waiver thereof, the DFI responds as
25 follows:

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1 The DFI is currently gathering information which will allow it to answer this interrogatory
2 more completely. If requested to do so, DFI will provide a further response when this
3 information is compiled and/or obtained through discovery. Based on the information currently
4 available to it, DFI responds as follows on information and belief:

5 **(a) Factual Basis for Affirmative Defense**

6 **First Affirmative Defense--Failure to State a Cause of Action**

7 The issue of whether the Complaint states a cause of action is entirely legal in nature and
8 does not require additional factual support.

9 **Second Affirmative Defense--Statute of Limitations**

10 Plaintiff cannot seek to recover for alleged conduct occurring more than one year before the
11 date he filed her claim with the Department of Fair Employment and Housing, nor can he assert
12 theories not specified in that claim. Plaintiff filed his first claim with the DFEH in November
13 2008. Accordingly, to the extent his claims are based on alleged actions or omissions occurring
14 before November 2007, they are barred by the statute of limitations.

15 **Third Affirmative Defense--Estoppel and Waiver**

16 Discovery is continuing and the DFI is currently gathering information which will allow it
17 to answer this interrogatory more completely. Based on the information currently available, DFI
18 responds as follows:

19 Plaintiff made earlier complaints but then made statements indicating that he felt that his
20 concerns had been adequately addressed. The DFI reasonably relied on these statements. He
21 now appears to be basing this lawsuit, at least in part, on those issues he stated were resolved.
22 Plaintiff filed an appeal with the State Personnel Board, but then withdrew the appeal. Plaintiff
23 cannot now, in this litigation, advance a position contrary to his earlier statements.

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1 **Fourth Affirmative Defense—Laches**

2 Discovery is continuing and the DFI is currently gathering information which will allow it
3 to answer this interrogatory more completely. Based on the information currently available, DFI
4 responds as follows:

5 Plaintiff did not file a complaint with the Department of Fair Employment and Housing
6 until November 26, 2008.

7 Plaintiff made an internal complaint about Mr. Prada in 2005. At that time, he claimed that
8 he was being subjected to discriminatory acts. The DFI took action to address his concerns and
9 Plaintiff made statements indicating that he felt his concerns had been addressed. In failing to
10 bring this lawsuit in 2005 or 2006, Plaintiff unreasonably delayed to the detriment of DFI.
11 Several witnesses have retired or otherwise left DFI since 2005.

12 **Fifth Affirmative Defense—Failure to Exhaust Administrative Remedies**

13 Plaintiff first filed a complaint of discrimination with the DFEH in November 2008.

14 Plaintiff's November 26, 2008 Complaint of Discrimination filed with the Department of
15 Fair Employment and Housing does not allege any conduct occurring prior to October 2007, and,
16 in fact, only raises two issues (1) that Plaintiff had not received the results of the investigation
17 conducted by DFI, and (2) that Plaintiff received what he felt was an unwarranted Individual
18 Development Plan. Plaintiff's December 22, 2009 Charge of Discrimination filed with the EEOC
19 only complaints about three specified failures to be promoted: (1) a May 20, 2009 application for
20 FIM, (2) a November 23, 2009 application for FIM, and (3) a December 7, 2009 application for
21 FIM.

22 Plaintiff never filed a Government Claim with the Government Claims Program at the
23 Victim Compensation and Government Claims Board formerly known as the State Board of
24 Control.

25 Plaintiff withdrew his action with the State Personnel Board.

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1 **Sixth Affirmative Defense—Failure to Comply With Notice and Claim Requirements**

2 Plaintiff appears to be advancing claims not embraced within his DFEH and EEOC charges
3 of discrimination. Plaintiff first filed a complaint of discrimination with the DFEH in November
4 2008. Plaintiff's November 26, 2008 Complaint of Discrimination filed with the Department of
5 Fair Employment and Housing does not allege any conduct occurring prior to October 2007, and,
6 in fact, only raises two issues (1) that Plaintiff had not received the results of the investigation
7 conducted by DFI, and (2) that Plaintiff received what he felt was an unwarranted Individual
8 Development Plan. Plaintiff's December 22, 2009 Charge of Discrimination filed with the EEOC
9 only complaints about three specified failures to be promoted: (1) a May 20, 2009 application for
10 FIM, (2) a November 23, 2009 application for FIM, and (3) a December 7, 2009 application for
11 FIM.

12 Plaintiff never filed a Government Claim with the Government Claims Program at the
13 Victim Compensation and Government Claims Board formerly known as the State Board of
14 Control.

15 Plaintiff withdrew his action with the State Personnel Board.

16 **Seventh Affirmative Defense—Failure to Exhaust Remedies: Claims Not Stated in**
17 **Administrative Claim**

18 Plaintiff's lawsuit is barred to the extent it seeks to enlarge upon the alleged acts and
19 omissions set forth in the administrative complaints filed with the DFEH and EEOC. Plaintiff's
20 November 26, 2008 Complaint of Discrimination filed with the Department of Fair Employment
21 and Housing does not allege any conduct occurring prior to October 2007, and, in fact, only raises
22 two issues (1) that Plaintiff had not received the results of the investigation conducted by DFI,
23 and (2) that Plaintiff received what he felt was an unwarranted Individual Development Plan.
24 Plaintiff's December 22, 2009 Charge of Discrimination filed with the EEOC only complaints
25 about three specified failures to be promoted: (1) a May 20, 2009 application for FIM, (2) a
26 November 23, 2009 application for FIM, and (3) a December 7, 2009 application for FIM.

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1 **Eighth Affirmative Defense—Unclean Hands**

2 Discovery is continuing and the DFI is currently gathering information which will allow it
3 to answer this interrogatory more completely. Based on the information currently available, DFI
4 responds as follows:

5 Plaintiff has taken inconsistent positions regarding his earlier complaints in 2005 and 2006.
6 Plaintiff stated that his concerns had been addressed. In addition, Plaintiff engaged in the same
7 sort of minor conduct which he alleges on the part of Mr. Prada. Plaintiff was, on occasion, rude
8 to other examiners. Plaintiff appears to be exaggerating his claimed emotional distress by
9 alleging post traumatic stress syndrome based on the very minor conduct alleged.

10 **Ninth Affirmative Defense—Immunity and Privilege**

11 The DFI's actions had nothing to do with Plaintiff's race or age or due to his making any
12 complaint. In fact, neither Mr. Prada nor anyone else at DFI took any sort of adverse
13 employment action against Plaintiff. Mr. Prada had no involvement in any promotional
14 opportunity Plaintiff applied for. Mr. Prada was privileged to provide his assessment of
15 Plaintiff's performance and to correct Plaintiff's work.

16 **Tenth Affirmative Defense—Eleventh Amendment**

17 Plaintiff is asserting federal claims against a state entity.

18 **Eleventh Affirmative Defense—Legitimate Reason For Employment Action**

19 Discovery is continuing and the DFI is currently gathering information which will allow it
20 to answer this interrogatory more completely. In particular, the DFI has not yet completed
21 Plaintiff's deposition and does not yet know the basis for all of Plaintiff's claims. Based on the
22 information currently available, DFI responds as follows:

23 The DFI never took any adverse employment action against Plaintiff. He has never been
24 disciplined in any way. Plaintiff remains a Senior Financial Institutions Examiner.

25 All employment actions taken by the DFI had nothing to do with either Plaintiff's race, age,
26 or any complaint he may have made. For example, Mr. Prada gave Mr. Lake an Improvement
27 Needed in the category of "Supervising The Work of Others" in Plaintiff's early 2008 Individual
28 Development Plan because Mr. Prada felt that Mr. Lake had not reviewed the work of junior

1 examiners under him as fully as he should have. Mr. Prada felt that as an Examiner In Charge,
2 Mr. Lake needed to ensure that work assignments are fully discussed and work products are
3 reviewed for accuracy prior to submission of the examination report.

4 Like many individuals at DFI, Plaintiff has applied for promotional opportunities but not
5 been the successful candidate. At present it is unclear what particular promotional opportunities
6 Plaintiff is claiming were the result of discrimination or retaliation. However, DFI is informed
7 and believes that the decision makers with respect to each of the promotional opportunities
8 Plaintiff has applied for are persons whom Plaintiff does not contend have any discriminatory or
9 retaliatory animus towards him. Plaintiff did not receive those promotions because the successful
10 candidates interviewed better and were, in the estimation, of the persons making the decisions a
11 better fit for the position they were selected for.

12 **Twelfth Affirmative Defense: After-Acquired Evidence**

13 Discovery is continuing and the DFI is currently gathering information which will allow it
14 to answer this aspect of this interrogatory more completely. If requested to do so, DFI will
15 provide a further response when such additional information is discovered.

16 **Thirteenth Affirmative Defense—Faragher Defense**

17 Discovery is continuing and the DFI is currently gathering information which will allow it
18 to answer this aspect of this interrogatory more completely. In particular, the DFI has not yet
19 completed Plaintiff's deposition and does not yet know the basis for all of Plaintiff's claims.
20 Based on the information currently available, DFI responds as follows:

21 The DFI has a comprehensive anti-harassment policy and takes reasonable care to prevent
22 and correct promptly any harassing behavior. It has a complaint procedure and, in Plaintiff's
23 case, conducted two investigations. Plaintiff never provided DFI with any evidence that Mr.
24 Prada, or any other supervisor or manager, was harassing him on the basis of his race or age.
25 Moreover, Plaintiff raised work issues, made noises about them being discriminatory, and then
26 retreated from that position on a number of occasions.

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1 **Fourteenth Affirmative Defense—McGinnis Defense**

2 Discovery is continuing and the DFI is currently gathering information which will allow it
3 to answer this aspect of this interrogatory more completely. In particular, the DFI has not yet
4 completed Plaintiff's deposition and does not yet know the basis for all of Plaintiff's claims.
5 Based on the information currently available, DFI responds as follows:

6 The DFI has a comprehensive anti-harassment policy and takes reasonable care to prevent
7 and correct promptly any harassing behavior. It has a complaint procedure and, in Plaintiff's
8 case, conducted two investigations. Plaintiff never provided DFI with any evidence that Mr.
9 Prada, or any other supervisor or manager, was harassing him on the basis of his race or age.
10 Rather, Plaintiff raised work issues, made noises about them being discriminatory, and then
11 retreated from that position on a number of occasions. Assuming that any actual harassment
12 based on race or age occurred, any harm to Plaintiff could have been avoided by his use of the
13 DFI's complaint procedures.

14 **Fifteenth Affirmative Defense—Reasonable Steps To Prevent Harassment**

15 The DFI has taken reasonable steps to prevent and correct promptly any harassing behavior.
16 The DFI has a comprehensive anti-harassment policy including a procedure to make complaints
17 and for investigations. It provides training on harassment to its employees and also disseminates
18 information on the policy through its Intranet and distributing copies of the policy. The DFI
19 investigates complaints of discrimination, harassment, and retaliation. If harassment is found, the
20 DFI will take appropriate corrective action to remedy the harassment.

21 **Sixteenth Affirmative Defense—Avoidable Consequences Defense**

22 Discovery is continuing and the DFI is currently gathering information which will allow it
23 to answer this aspect of this interrogatory more completely. In particular, the DFI has not yet
24 completed Plaintiff's deposition and does not yet know the basis for all of Plaintiff's claims.
25 Based on the information currently available, DFI responds as follows:

26 The DFI has a comprehensive anti-harassment, discrimination, and retaliation policy and
27 takes reasonable care to prevent and correct promptly any discriminatory, retaliatory, or harassing
28 behavior. It has a complaint procedure and, in Plaintiff's case, conducted two investigations.

1 Plaintiff never provided DFI with any evidence that Mr. Prada, or any other supervisor or
2 manager, was harassing or discriminating against him on the basis of his race or age. Nor did
3 Plaintiff provide evidence of retaliation. In particular, Plaintiff never included in his complaint
4 his current allegation that Mr. Venchiarutti threatened to terminate him. Rather, Plaintiff raised
5 work issues, made noises about them being discriminatory, and then retreated from that position
6 on a number of occasions. Assuming that any actual retaliation or harassment or discrimination
7 based on race or age occurred, any harm to Plaintiff could have been avoided by his use of the
8 DFI's complaint procedures.

9 **Seventeenth Affirmative Defense—Workers Compensation Exclusivity**

10 The issue of whether the Plaintiff's claims are barred by workers compensation is legal in
11 nature.

12 **Eighteenth Affirmative Defense—Settlement And Release**

13 Discovery is continuing and the DFI is currently gathering information which will allow it
14 to answer this aspect of this interrogatory more completely. If requested to do so, DFI will
15 provide a further response when such additional information is discovered.

16 **Nineteenth Affirmative Defense—No Damage By Acts of Defendants**

17 Discovery is continuing and the DFI is currently gathering information which will allow it
18 to answer this aspect of this interrogatory more completely. Based on the information currently
19 available, DFI responds as follows:

20 Plaintiff has not lost any wages or benefits due to any "adverse employment action"
21 because he has never been subjected to an adverse employment action during the time he worked
22 at DFI. Like many other employees, Plaintiff was not promoted to a management level position,
23 but this was not due to any wrongful act of Defendants. Plaintiff remains a valued Senior
24 Financial Institutions Examiner with DFI with full wages and benefits.

25 Plaintiff appears to have a history of mental or emotional issues entirely unrelated to
26 defendants. Court records reveal that Plaintiff has had prior history of depression, including
27 related to his separation and divorce from his first wife. Plaintiff's first wife apparently obtained
28 a restraining order against Plaintiff for an incident in which he broke into her house, jumped on

1 her back while she was sleeping, held her left arm tightly behind her back, twisted her neck, and
2 held his hand over her mouth and nose. Plaintiff allegedly made statements such as "I'd rather
3 see you dead than with someone else" while swinging around a police night stick. Plaintiff was
4 apparently convicted of spousal battery which was dismissed after Plaintiff successfully served
5 his probation. It also appears that Plaintiff was separated from his children for a substantial
6 period of time. Plaintiff appears to have been hospitalized due to his emotional problems.

7 Plaintiff has also admitted to suffering substantial distress from actions that are objectively
8 innocuous. For example, Mr. Lake testified at the first session of his deposition that he suffered a
9 stress reaction simply from hearing Mr. Prada's voice. This occurred although Mr. Prada
10 admittedly said nothing inappropriate to Mr. Lake during the conversation.

11 **Twentieth Affirmative Defense—Existence of Supervening and/or Intervening Events**

12 Discovery is continuing and the DFI is currently gathering information which will allow it
13 to answer this aspect of this interrogatory more completely. Based on the information currently
14 available, DFI responds as follows:

15 Plaintiff has not lost any wages or benefits due to any action or omission of defendants. To
16 the extent, Plaintiff has any damages whatsoever, they must have been cause by events other than
17 the trivial employment issues raised by Plaintiff in this Action. It appears Plaintiff has a history
18 of depression and, perhaps, a diagnosable personality disorder.

19 **Twenty-First Affirmative Defense—Emotional Distress Caused By Other Factors**

20 Discovery is continuing and the DFI is currently gathering information which will allow it
21 to answer this aspect of this interrogatory more completely. Based on the information currently
22 available, DFI responds as follows:

23 Nothing that has occurred in Plaintiff's job caused him emotional distress. To the extent
24 Plaintiff has any damages whatsoever, they must have been cause by events other than the trivial
25 employment issues raised by Plaintiff in this Action. It appears Plaintiff has a history of
26 depression and, perhaps, a diagnosable personality disorder.

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1 **Twenty-Second Affirmative Defense—Failure To Mitigate Damages**

2 Discovery is continuing and the DFI is currently gathering information which will allow it
3 to answer this aspect of this interrogatory more completely. Based on the information currently
4 available, DFI responds as follows:

5 Defendants have done nothing to cause Plaintiff damages. Plaintiff appears to have
6 significant issues which are the cause of any mental or emotional issues he may have. This
7 includes a history of depression.

8 **Twenty-Third Affirmative Defense—Immunity of Public Entities from Liability for**
9 **Punitive Damages**

10 Pursuant to Section 818 of the Government Code, defendant DFI, a state agency, is immune
11 from liability for punitive damages.

12 **Twenty-Fourth Affirmative Defense—Set-Off**

13 Discovery is continuing and the DFI is currently gathering information which will allow it
14 to answer this interrogatory more completely. If requested to do so, DFI will provide a further
15 response when such additional information is discovered.

16 **Twenty-Fifth Affirmative Defense—Contributory Fault**

17 Discovery is continuing and the DFI is currently gathering information which will allow it
18 to answer this aspect of this interrogatory more completely. Based on the information currently
19 available, DFI responds as follows:

20 Plaintiff has not lost any wages or benefits due to any action or omission of defendants. To
21 the extent, Plaintiff has any damages whatsoever, they must have been caused by events other than
22 the trivial employment issues raised by Plaintiff in this Action. It appears Plaintiff has a history
23 of depression and, perhaps, a diagnosable personality disorder. Plaintiff's current problems may
24 be due to his failure to adequately deal with his feelings after his divorce to his first wife,
25 depression, and subsequent lack of contact with his children.

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1 **Twenty-Sixth Affirmative Defense--Proportional Fault**

2 Discovery is continuing and the DFI is currently gathering information which will allow it
3 to answer this aspect of this interrogatory more completely. Based on the information currently
4 available, DFI responds as follows:

5 Plaintiff has not lost any wages or benefits due to any action or omission of defendants. To
6 the extent, Plaintiff has any damages whatsoever, they must have been cause by events other than
7 the trivial employment issues raised by Plaintiff in this Action. It appears Plaintiff has a history
8 of depression and, perhaps, a diagnosable personality disorder. Plaintiff's current problems may
9 be due to his failure to adequately deal with his feelings after his divorce to his first wife,
10 depression, and subsequent lack of contact with his children.

11 **Twenty-Seventh Affirmative Defense--Apportionment of Damages**

12 Discovery is continuing and the DFI is currently gathering information which will allow it
13 to answer this aspect of this interrogatory more completely. Based on the information currently
14 available, DFI responds as follows:

15 Plaintiff has not lost any wages or benefits due to any action or omission of defendants. To
16 the extent, Plaintiff has any damages whatsoever, they must have been cause by events other than
17 the trivial employment issues raised by Plaintiff in this Action. It appears Plaintiff has a history
18 of depression and, perhaps, a diagnosable personality disorder. Plaintiff's current problems may
19 be due to his failure to adequately deal with his feelings after his divorce to his first wife,
20 depression, and subsequent lack of contact with his children.

21 **Twenty-Eighth Affirmative Defense--Qualified Immunity--Good Faith**

22 With respect to any employment actions toward Plaintiff, the DFI acted in good faith and
23 for legitimate reasons having nothing to do with an animus against Plaintiff due to his race or age
24 or due to any complaint he may have made.

25 **(b) Persons With Knowledge Of These Facts**

26 The DFI is informed and believe that the following individuals may have some knowledge
27 relating to the facts set forth above:

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1 Jeanette Barraza (no longer with DFI)
2 Meli Brown (with DFI)
3 Scott Cameron (with DFI)
4 Craig Carlson (with DFI)
5 Chris Eaton (with DFI)
6 Tom Fong (no longer with DFI)
7 Doug Kirkpatrick (no longer with DFI)
8 Donald Lake (Plaintiff; with DFI)
9 Kendrick Lo (no longer with DFI; believed to be living in New York)
10 Oscar Lumen (with DFI)
11 Amadiabube Robert Mbama MBA (now with CAMSMBAMA & Associates LLC)
12 Julio R. Prada (with DFI)
13 Aaron Prosperi (with DFI)
14 David Ross, LCSW (Plaintiff's medical provider)
15 John Ross (with DFI)
16 Yolanda Torres (with DFI)
17 Robert Venchiarutti (with DFI)
18 Edmund Wong (with DFI)

19 In addition to those listed, other medical providers of Plaintiff, employees who worked with
20 Mr. Lake or under Mr. Prada's supervision at DFI, or decision makers and applicants for
21 promotion to FIM may also have some knowledge of some facts related to the affirmative
22 defenses.

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1 **(c) Documents Supporting Affirmative Defenses**

2 The DFI objects to this interrogatory as unduly burdensome, oppressive, and harassing.
3 There are numerous documents that are relevant to and support the DFI's position and affirmative
4 defenses. Many of these documents are attached as exhibits to Plaintiff's deposition taken in this
5 matter or have been subpoenaed from third parties (such David Ross, LCSW). All such
6 documents are equally available to Plaintiff. Without waiving the foregoing or any of the other
7 objections made with respect to this interrogatory, the DFI responds that it will produce additional
8 unprivileged documents supporting its affirmative defenses in connection with its production of
9 documents in response to plaintiff's document requests.

10 Dated: May 7, 2010

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California

CHRIS A. KNUDSEN
Supervising Deputy Attorney General
Attorneys for Defendant California
Department of Financial Institutions

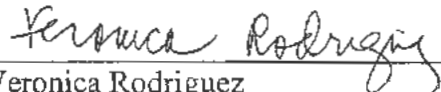
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VERIFICATION

I am the Human Resources Manager for the Department of Financial Institutions ("DFI") and, as such, am authorized to execute this verification on behalf of Defendant California Department of Financial Institutions. I know the contents of the foregoing DEFENDANT DFI's RESPONSES AND OBJECTIONS TO PLAINTIFF DONALD LAKE's FIRST SET OF FORM INTERROGATORIES—EMPLOYMENT LAW. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed on April 30, 2010 at Sacramento, California.


Veronica Rodriguez

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Lake, Donald v. California Department of Financial Institutions, et al.**

Case No.: **37-2009-00102604-CU-OE-CTL**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On May 7, 2010, I served the attached:

**DEFENDANT DFI's RESPONSES AND OBJECTIONS TO PLAINTIFF
DONALD LAKE's FIRST SET OF FORM INTERROGATORIES—
EMPLOYMENT LAW**

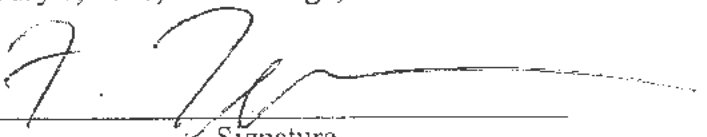
By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Daniel Kodam, Esq.
Kodam & Associates, PC
41880 Kalmia Street, Suite 130
Murrieta, CA 92562

Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 7, 2010, at San Diego, California.

F. Terrones
Declarant


Signature

SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS

This Settlement Agreement and Release of Claims ("AGREEMENT") is made and entered into by and between plaintiff Donald Lake ("PLAINTIFF"), and defendants California Department of Financial Institutions ("DFI"), Julio Prada, and Robert Venchiaruti (collectively "DEFENDANTS")

RECITALS

- A. PLAINTIFF is a Senior Financial Institutions Examiner employed by the DFI.
- B. PLAINTIFF has commenced an action against DEFENDANTS in the Superior Court for the County of San Diego entitled *Donald Lake v. California Department of Financial Institutions; Julio Prada, an individual; Robert Venchiaruti, an individual; and Does 1-32*, Case No. 37-2009-00102604-CU-OF-CTL (the "ACTION"). In the ACTION, PLAINTIFF asserted various causes of action against DEFENDANTS, including age and race harassment, age discrimination, race discrimination, and retaliation.
- C. Other than the ACTION, PLAINTIFF has no lawsuits pending against DEFENDANTS or any current or former employee of DFI before any state or federal court and also has no workers' compensation or other administrative proceedings against DEFENDANTS or any current or former employee of DFI.
- D. A mediation was held on October 26, 2010 and the parties entered into a written Stipulation for Settlement. A copy of the Stipulation for Settlement is attached to this AGREEMENT as Exhibit A. Pursuant to the terms of the Stipulation for Settlement the parties' settlement is "to be formalized in a settlement agreement." This AGREEMENT is the "settlement agreement" anticipated by the Stipulation for Settlement.

E. DEFENDANTS continue to deny in every particular way, each and every claim, allegation or contention made by PLAINTIFF in connection with the ACTION. However, in the interests of avoiding further litigation and without admitting any liability or wrongdoing whatsoever, the parties desire to fully and finally settle, resolve, compromise and discharge all differences, controversies or claims between and among them.

NOW, THEREFORE, in consideration of the terms, conditions, and mutual covenants and promises contained herein, the parties agree as follows:

AGREEMENT

1. Denial of Liability; Sufficiency of Consideration

Each party expressly agrees that neither the consideration received pursuant to this AGREEMENT, nor this AGREEMENT itself, shall ever be taken or construed to be an admission on behalf of any party of any liability or wrongdoing of any nature. The sufficiency of the consideration for this AGREEMENT is acknowledged by all parties. This AGREEMENT is the result of a negotiated compromise, which the parties believe and acknowledge to be fair and equitable.

2. Dismissal of the ACTION with Prejudice

PLAINTIFF agrees to dismiss the ACTION with prejudice as to all defendants.

PLAINTIFF's counsel shall forward to the Office of the Attorney General, counsel for DFI, within seven (7) days from the date this AGREEMENT is executed by all parties, an executed Request for Dismissal, dismissing the entire ACTION with prejudice as to all defendants, including, but not limited to the California Department of Financial Institutions, Julio Prada, and Robert Venchiarutti.

3. PLAINTIFF Agrees Never To Return To The Money Transmitters Division And To Never Seek A Promotion For A Position Within The Money Transmitters Division

PLAINTIFF currently works in DFI's Banking Division in San Diego. PLAINTIFF agrees that he will never seek to transfer to DFI's Money Transmitters Division. PLAINTIFF further agrees that he will never apply for or accept any position within the Money Transmitters Division and PLAINTIFF will never apply for a promotion to any position within the Money Transmitters Division, including, but not limited to, Financial Institutions Manager. The DFI has no obligation to consider PLAINTIFF for any position within the Money Transmitters Division, including any promotional opportunity within the Money Transmitters Division. Should PLAINTIFF seek to transfer to the Money Transmitters Division or apply for any position within the Money Transmitters Division, including a promotion, the parties agree that this AGREEMENT shall constitute good cause for the DFI to reject Plaintiff's application for a transfer or application for a position or promotion within the Money Transmitters Division or to terminate any appointment to a position within the Money Transmitters Division.

4. Settlement Proceeds

The DFI agrees to pay to PLAINTIFF the sum of Twenty-Seven Thousand dollars (\$27,000.00).

The DFI will use its best efforts to deliver to PLAINTIFF's counsel within ninety (90) calendar days from the date PLAINTIFF signs the AGREEMENT and delivers the original signed AGREEMENT as well as an executed Payee Data Record form to the Office of the Attorney General, the Settlement Proceeds in the total amount of Twenty-Seven Thousand dollars (\$27,000.00) by providing a check or warrant, payable to "Donald Lake."

The check or warrant shall be sent to PLAINTIFF's counsel only after the Office of the Attorney General has received fully executed: (1) original(s) of this AGREEMENT, (2) completed Payee Data Record form(s), and (3) a fully executed request for dismissal of the entire ACTION with prejudice as to all defendants. Payment of the check or warrant shall only be made after the Department of Finance and State Controller's Office approve the payment.

No amount of money will be withheld from the check or warrant for tax purposes. PLAINTIFF expressly agrees to be solely responsible for any tax liability which may result from payment of this sum, including penalties and forfeitures arising from such payment, and expressly acknowledges that the State of California and/or the California Department of Financial Institutions are not liable in any way for any tax consequences of this AGREEMENT. PLAINTIFF understands and acknowledges that the State of California and/or the California Department of Financial Institutions are required to report the payment of these settlement proceeds to appropriate taxing authorities, including the Internal Revenue Service and the Franchise Tax Board.

5. General Release by PLAINTIFF of ALL DEFENDANTS

PLAINTIFF, for himself, his heirs, executors, administrators, assigns and successors, fully and forever releases, acquits, and discharges the State of California, California Department of Financial Institutions, and all their predecessor and successors in interest, and all their divisions (including but not limited to the Money Transmitters Division), departments, subdivisions, sections, and each of their past, present, and future managers, supervisors, examiners, staff, and other employees, agents, representatives, and attorneys and their past, present, and future beneficiaries, heirs, executors, administrators, assigns, representatives, and attorneys and Julio Prada and his past, present, and future beneficiaries, heirs, executors,

administrators, assigns, representatives, and attorneys and Robert Venchiarutti and his past, present, and future beneficiaries, heirs, executors, administrators, assigns, representatives, and attorneys from any and all claims, causes of action, obligations, damages, liabilities, costs, attorneys' fees, judgments, liens, and indebtedness of any nature whatsoever, whether legal, equitable, administrative, or otherwise and whether or not now known, suspected or claimed, which heretofore existed or now exist, including, without limitation on the generality of the foregoing, any and all claims which relate to, arise from, or are attributable to PLAINTIFF's work with the California Department of Financial Institutions, his work at the Money Transmitter and Banking Divisions, his efforts to obtain promotion to Financial Institutions Supervisor or Financial Institutions Manager, any incident which occurred during the time he was supervised or his work was overseen by Mr. Prada, any incident which occurred during the time Mr. Venchiarutti was in his chain of command, his claims that he was harassed, discriminated against and retaliated by Mr. Prada and/or Mr. Venchiarutti, and any action by the DFI, Mr. Prada, Mr. Venchiarutti, or any other employee of DFI which PLAINTIFF views as discriminatory, retaliatory, harassing, violative of Title VII of the Civil Rights Act of 1964, or the California Fair Employment and Housing Act, causative of emotional distress, or otherwise wrongful, as well as all matters which were or could have been raised in this ACTION.

PLAINTIFF understands and acknowledges that he is waiving any and all rights he may have had, now has, or in the future may have, to pursue any and all remedies available to him under any tort or employment-related causes of action relating in any way to his work at the DFI, including, but not limited to, claims of age and race discrimination, age and race harassment, unlawful retaliation, emotional distress, failure to pay wages, benefits, credit compensatory time off, or other compensation of any sort, failure to promote, or other wrongful conduct and/or

violation of any statutes, rules, regulations, or ordinances, whether federal, state, or local, including, without limitation, claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. section 1983, and the California Fair Employment and Housing Act.

This release does not apply to future claims arising from acts or omissions of DEFENDANTS occurring after the date this AGREEMENT is fully executed.

6. Waiver of Civil Code Section 1542

PLAINTIFF understands and expressly waives any rights or benefits available to him under Section 1542 of the California Civil Code, which provides as follows:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

PLAINTIFF understands and acknowledges that the significance and consequence of this waiver of Section 1542 of the California Civil Code is that even if he should suffer additional damages relating in any way to any claim released in this AGREEMENT, including any related in any way to this ACTION or his work at the California Department of Financial Institutions, his failure to obtain a promotion to Financial Institutions Supervisor or Financial Institutions Manager, PLAINTIFF will not be permitted to make any claim for those damages. Furthermore, PLAINTIFF acknowledges he intends these consequences even as to claims for damages that may now exist as of the date of this AGREEMENT but which are not known to exist, and which, if known, would materially affect her decision, to execute these releases, regardless of whether her lack of knowledge is the result of ignorance, oversight, error, negligence, or any other cause.

7. Limited Release By DEFENDANTS Of PLAINTIFF

DEFENDANTS release PLAINTIFF, his agents, representatives, and attorneys from any and all claims, causes of action, damages, liabilities, costs, and attorneys' fees relating to or arising from the ACTION and PLAINTIFF's work at the Money Transmitter Division of DFI.

This limited release does not release PLAINTIFF from any tax liability he may have by virtue of his employment with the DFI, or from any claims, liabilities, obligations, or debts by any agency of the State of California other than DFI.

8. Change In Fact

The parties to this AGREEMENT fully understand and declare that if the facts from which this AGREEMENT are found hereafter to be different from the facts now believed to be true, the parties hereto assume the risk of such possible differences in fact, and hereby agree that the AGREEMENT shall be, and will remain, effective notwithstanding such difference in fact.

9. Warranty

PLAINTIFF warrants and represents that he has no pending complaints or charges against DEFENDANTS or any of DFI's current or former employees with any state or federal court or any local, state, or federal agency based on any events occurring prior to the date of execution of this AGREEMENT.

10. Promise Not To Sue

PLAINTIFF promises and agrees that he will never sue the State of California, California Department of Financial Institutions, their predecessors and successors in interest, and all their subdivisions, their past, present, or future managers, supervisors (including, but not limited to, Julio Prada and Robert Venchiarutti), examiners, staff, and other employees, agents, attorneys, or representatives or otherwise institute or participate in any legal or administrative proceeding

against the State of California, California Department of Financial Institutions, their predecessors and successors in interest, and all their subdivisions or their subdivisions or any of their past, present, or future managers, supervisors (including, but not limited to, Julio Prada and Robert Venchiarutti), examiners, staff, and other employees, agents, attorneys, or representatives relating in any way to any claim released in this AGREEMENT including, but not limited to, his work at DFI or efforts to obtain promotion up to the present date, his supervision by Mr. Prada, his interactions with Mr. Prada and/or Mr. Venchiarutti, his work for the Money Transmitters Division, the events at issue in this ACTION and related events which occurred prior to the signing of this AGREEMENT.

11. This AGREEMENT Does Not Limit Or Expand The Law On Retaliation

The parties acknowledge and agree that nothing in this AGREEMENT shall limit or expand PLAINTIFF's rights in the future under state and federal anti-retaliation statutes, including Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act.

12. Mutual Non-Disparagement

The parties have entered this AGREEMENT to put their disputes behind them and to resolve the ACTION with no admission of liability or wrongdoing on behalf of either PLAINTIFF or DEFENDANT. Each party agrees that he, she, or it will not volunteer information disparaging the other party, including, but not limited to, agreeing not to contact the media about the ACTION or its resolution.

The parties understand and acknowledge that DFI will comply with its legal obligations in disclosing or reporting terms of this Settlement. In particular, the parties understand and

acknowledge that the DFI may be required to release information pursuant to the Information Practices Act of 1977 (Civil Code section 1798, *et seq.*), the Public Records Act (Government Code section 6250 *et seq.*), the Brown Act (Government Code section 54940 *et seq.*) or other applicable provision of law.

13. PLAINTIFF and DEFENDANTS to Bear Their Respective Attorneys' Fees And Costs In The ACTION

Each party shall bear his or its costs and attorneys' fees in connection with the ACTION herein and all matters arising out of or pertaining thereto.

PLAINTIFF and DEFENDANTS each agree that they shall each bear their own respective costs and attorneys' fees in connection with the ACTION and all matters arising out of the ACTION. The settlement proceeds set forth in paragraph 4 constitute the full amount of compensation under this AGREEMENT to any party with respect to this ACTION. All parties acknowledge and agree that they have no right to seek to recover any sum from any other party for costs and attorneys' fees relating in any way to the ACTION and expressly waive any right any of them may have to such attorneys' fees and costs.

14. Voluntary Consent To Agreement

Each party declares that he or it knows and understands the contents of this AGREEMENT and that this AGREEMENT has been executed voluntarily and free from duress or undue influence on the part of any person or entity.

15. Agreement Reviewed With Legal Counsel

Each party declares that they have been given the opportunity to speak with their respective counsel relating to this Settlement and have had the opportunity to confer with their respective attorneys regarding the meaning of the terms and provisions of this AGREEMENT.

Having had the opportunity to speak with counsel, all parties agree to be bound by the terms and provision of this AGREEMENT.

16. Period To Consider Terms of Agreement and Release

PLAINTIFF acknowledges that this AGREEMENT and Release was presented to him on December ____, 2010 and that he is entitled to have a twenty-one (21) day period in which to consider this AGREEMENT and Release. PLAINTIFF acknowledges that he has obtained the advice and counsel from a legal representative of her choice and executes this AGREEMENT and Release having had sufficient time within which to consider its terms. PLAINTIFF represents that if he executes this AGREEMENT and Release before twenty-one (21) days have elapsed, he does so voluntarily, upon the advice and with the approval of her legal counsel, and that she voluntarily waives any remaining consideration period.

17. Right to Revoke AGREEMENT and Release

PLAINTIFF understands that after executing this AGREEMENT and Release, he has the right to revoke it within seven (7) days after her execution of it. PLAINTIFF understands that this AGREEMENT and Release will not become effective and enforceable unless the seven (7) day revocation period passes and PLAINTIFF does not revoke the AGREEMENT and Release in writing. PLAINTIFF understands that this AGREEMENT and Release may not be revoked after the seven (7) day revocation period has passed. PLAINTIFF understands that any revocation of this AGREEMENT and Release must be made in writing and delivered to the Attorney General's Office counsel of record for DEFENDANT at the following address.

Chris A. Knudsen, Supervising Deputy Attorney General
State of California, Department of Justice
Office of the Attorney General
110 West "A" Street, Suite 1100
San Diego, CA 92101

within the seven (7) day period.

PLAINTIFF understands and acknowledges that he will not be entitled to any benefits under this AGREEMENT if he revokes the AGREEMENT and Release.

18. Mutual Drafting Contribution

This AGREEMENT has been drafted on the basis of the parties' mutual contribution to the drafting language and it is not to be construed against any party as being the drafter of this AGREEMENT. Should there be any finding of ambiguity in any provision of this AGREEMENT, such ambiguity shall not be construed against any party herein.

19. Binding Effect

This AGREEMENT shall, to the extent applicable, be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

20. California Law to Apply

This AGREEMENT shall be interpreted in accordance with, governed by, and enforced in all respects by the laws of the State of California. The parties agree that any disputes arising under this AGREEMENT must be resolved in the courts of the State of California.

21. Entire Agreement

This AGREEMENT contains all the terms and conditions agreed upon by the parties regarding the subject matter of this AGREEMENT. The parties hereby represent and acknowledge that in executing this AGREEMENT, they do not rely and have not relied upon any representation or statement made by any of the parties or by any of the parties' agents, attorneys, or representatives with regard to the subject matter, basis, or effect of this AGREEMENT, or otherwise, other than those specifically stated in this written agreement. This AGREEMENT

supersedes any previous oral agreement or understanding between the parties regarding any matter contained in it.

22. Amendments and Modifications Must Be In Writing

Any amendment or modification of this AGREEMENT must be in writing and signed by each party.

23. Disputes Regarding Agreement

The parties further understand and agree that if, at any time, a violation of any term of this AGREEMENT is asserted by any party hereto, that party shall have the right to seek specific performance of that term and/or any other necessary and proper relief, included but not limited to damages and interest, and the prevailing party shall be entitled to recover his, her, or its reasonable costs and attorneys' fees. The parties hereby agree that under Code of Civil Procedure section 664.6, the court in the above-entitled case shall retain jurisdiction over the parties to enforce this AGREEMENT.

24. Severability of Agreement

Should any provision of this AGREEMENT be declared or be determined by any court of competent jurisdiction to be illegal, invalid, or unenforceable, the legality, validity, enforceability of the remaining parts, terms, or provisions shall not be affected thereby, and said illegal, unenforceable, or invalid part, term, or provision shall not be deemed to be a part of this AGREEMENT.

25. Authority to Enter Into Agreement

Each of the parties hereto represents and warrants that, as of the date of the execution of this AGREEMENT, that he or it has the right and authority to enter into this AGREEMENT.

Each of the signatories to this AGREEMENT represent that he or she is either a party or an

authorized representative of a party and is fully authorized to execute this AGREEMENT on behalf of the party for whom he or she signs.

PLAINTIFF warrants that he is the sole and lawful owner of all rights, titles, and interests in and to every claim and other matter which she has agreed to release in this Agreement and that he has not assigned or transferred or attempted to assign or transfer to any person or entity any claims or other matters released.

PLAINTIFF expressly warrants that he has not sold, assigned, transferred, conveyed, or otherwise disposed of any claims or demands relating to any right released by virtue of this AGREEMENT. PLAINTIFF expressly warrants that there are no liens on his interest in the ACTION or on the settlement proceeds.

PLAINTIFF will indemnify and save harmless the DFI from any loss, claim, expense, obligation, demand, or cause of action of any kind or character from any person, corporation, or entity not a party hereto who asserts any claim that PLAINTIFF has released through this AGREEMENT.

26. Execution in Counterparts

This AGREEMENT may be executed in counterparts and shall be binding on all parties as if the original was signed by all parties.

CAUTION: PLEASE READ CAREFULLY. THIS SETTLEMENT AGREEMENT AND RELEASE CONTAINS A RELEASE OF KNOWN AND UNKNOWN CLAIMS.

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THE SIGNATORIES HAVE CAREFULLY READ THIS ENTIRE AGREEMENT AND RELEASE. ITS CONTENTS HAVE BEEN FULLY EXPLAINED TO THEM BY THEIR ATTORNEYS. THE SIGNATORIES FULLY UNDERSTAND THE FINAL AND BINDING EFFECT OF THIS AGREEMENT. THE ONLY PROMISES MADE TO ANY SIGNATORY ABOUT THIS AGREEMENT, AND TO SIGN THIS AGREEMENT, ARE CONTAINED IN THIS AGREEMENT. THE SIGNATORIES ARE SIGNING THIS AGREEMENT VOLUNTARILY.

SO AGREED:

Dated: 26 Dec 10

DONALD LAKE


Donald Lake

Dated: _____

JULIO PRADA

Julio Prada

Dated: _____

ROBERT VENCHIARUTTI

Robert Venchiarutti

Dated: _____

CALIFORNIA DEPARTMENT OF FINANCIAL INSTITUTIONS

By: _____

Title: _____

THE SIGNATORIES HAVE CAREFULLY READ THIS ENTIRE AGREEMENT AND RELEASE. ITS CONTENTS HAVE BEEN FULLY EXPLAINED TO THEM BY THEIR ATTORNEYS. THE SIGNATORIES FULLY UNDERSTAND THE FINAL AND BINDING EFFECT OF THIS AGREEMENT. THE ONLY PROMISES MADE TO ANY SIGNATORY ABOUT THIS AGREEMENT, AND TO SIGN THIS AGREEMENT, ARE CONTAINED IN THIS AGREEMENT. THE SIGNATORIES ARE SIGNING THIS AGREEMENT VOLUNTARILY.

SO AGREED:

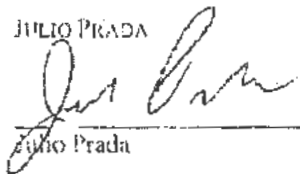
Dated: _____

DONALD LAKE

Donald Lake

Dated: 1/3/2011

JULIO PRADA



Julio Prada

Dated: _____

ROBERT VENCHIARUTTI

Robert Venchiarutti

Dated: _____

CALIFORNIA DEPARTMENT OF FINANCIAL INSTITUTIONS

By: _____

Title: _____

THE SIGNATORIES HAVE CAREFULLY READ THIS ENTIRE AGREEMENT AND RELEASE. ITS CONTENTS HAVE BEEN FULLY EXPLAINED TO THEM BY THEIR ATTORNEYS. THE SIGNATORIES FULLY UNDERSTAND THE FINAL AND BINDING EFFECT OF THIS AGREEMENT. THE ONLY PROMISES MADE TO ANY SIGNATORY ABOUT THIS AGREEMENT, AND TO SIGN THIS AGREEMENT, ARE CONTAINED IN THIS AGREEMENT. THE SIGNATORIES ARE SIGNING THIS AGREEMENT VOLUNTARILY.

SO AGREED:

Dated: _____

DONALD LAKE

Donald Lake

Dated: _____

JULIO PRADA

Julio Prada

Dated: 12/21/10

ROBERT VENCHIARUTTI

Robert Venchiarutti

Dated: _____

CALIFORNIA DEPARTMENT OF FINANCIAL INSTITUTIONS

By: _____

Title: _____

THE SIGNATORIES HAVE CAREFULLY READ THIS ENTIRE AGREEMENT AND RELEASE. ITS CONTENTS HAVE BEEN FULLY EXPLAINED TO THEM BY THEIR ATTORNEYS. THE SIGNATORIES FULLY UNDERSTAND THE FINAL AND BINDING EFFECT OF THIS AGREEMENT. THE ONLY PROMISES MADE TO ANY SIGNATORY ABOUT THIS AGREEMENT, AND TO SIGN THIS AGREEMENT, ARE CONTAINED IN THIS AGREEMENT. THE SIGNATORIES ARE SIGNING THIS AGREEMENT VOLUNTARILY.

SO AGREED:

Dated: _____

DONALD LAKE

Donald Lake

Dated: _____

JULIO PRADA

Julio Prada

Dated: _____

ROBERT VENCHIARUTTI

Robert Venchiarutti

Dated: 10/23/2010

CALIFORNIA DEPARTMENT OF FINANCIAL INSTITUTIONS


By: [Signature]

Title: Chief Administrative Officer

APPROVED AS TO FORM AND CONTENT:

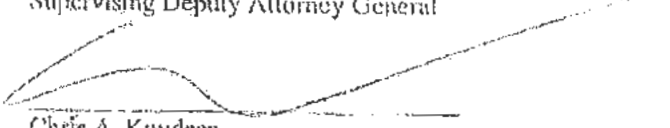
Dated: 1/3/11

KODAM & ASSOCIATES, PC
Daniel Kodam, Esq.


Daniel Kodam
Attorneys for Plaintiff Donald Lake

Dated: 1/5/11

EDMUND G. BROWN JR.
Attorney General
ALICIA M.B. FOWLER
Senior Assistant Attorney General
CHRIS A. KNUDSEN
Supervising Deputy Attorney General


Chris A. Knudsen
Supervising Deputy Attorney General
Attorneys for Defendants
California Department of Financial Institutions,
Julio Prada, and Robert Venchiarutti

SD2009701501
70105959.doc

EXHIBIT A



Asher Mediation

STIPULATION FOR SETTLEMENT

Re: Lake vs. California Department of Financial Institutions
San Diego Superior Court Case Number: 37-2010-00102604-CU-OE-CTL


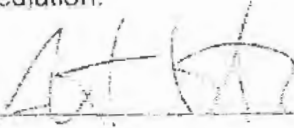
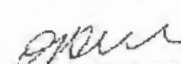
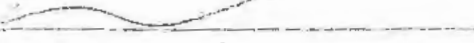
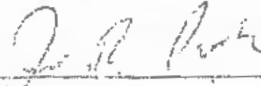
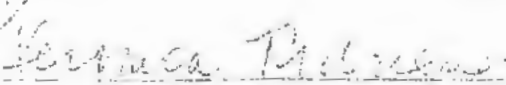
This matter came on for mediation on October 26, 2010 before N. Denise Asher, mediator. After full consideration of the merits of the controversy,

IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel and/or representative, that the above-referenced case has been settled according to the following terms:

- ① no admission of liability
- ② to be formalized in a settlement agreement
- ③ dismissal w/ prejudice of all AS
- ④ payment of sum of \$27,000 total payable to Dadd Lake
- ⑤ both parties bear own costs & fees
- ⑥ general release of all claims by IT to all AS
- ⑦ 1542 waiver
- ⑧ promise not to sue
- ⑨ not to return to MTD
- ⑩ if not to seek by prosecution of MTD

The parties intend for this mediation agreement to be a final resolution of this case and intend to be bound by the provisions of this agreement. (Fair v. Bakhtiari, 40 Cal.4th 189). The parties further intend that this agreement be enforceable pursuant to Evidence Code Section 1123(b) and Code of Civil Procedure Section 664.6.

Executed on October 26, 2010 at the mediation.

Mediation or Dispute Resolution